LEGISLATIVE

RESEARCH COMMISSION

ATTORNEY GENERAL'S STAFF

REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1989 SESSION

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TABLE OF CONTENTS

Letter of Transmittal..... i

Legislative Research Commission Membership.....ii

PREFACE..... 1

COMMITTEE PROCEEDINGS..... 3

FINDINGS AND RECOMMENDATIONS..... 13

APPENDICES

Relevant portions of Chapter 873 of the 1987
Session Laws Authorizing the Study..... 16

Membership of the LRC Committee on
The Attorney General's Staff..... 18

Fiscal Research Division Report on Legal Positions
in State Government..... 19

Legislative Proposal I -- A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO A PLAN FOR THE CONSOLIDATION OF LEGAL POSITIONS WITHIN STATE GOVERNMENT.....123

Legislative Proposal II -- A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO AN APPROPRIATED FUND TO PAY OUTSIDE COUNSEL HIRED BY THE GOVERNOR.....125

STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

December 14, 1988

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on the Attorney General's Staff. The report was prepared by the Legislative Research Commission's Committee on the Attorney General's Staff pursuant to Part II, Section 2.1 (26) of Chapter 873 of the 1987 Session Laws.

Respectfully submitted,

Liston B. Ramsey

J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

1987-1988

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

Speaker of the House of Representatives Liston B. Ramsey, Cochair	President Pro Tempore of the Senate J. J. Harrington, Cochair
Rep. John T. Church	Senator Henson P. Barnes
Rep. Bruce Ethridge	Senator A. D. Guy
Rep. Aaron Fussell	Senator R. L. Martin
Rep. Vernon James	Senator James Richardson
Rep. Josephus Mavretic	Senator Lura Tally

PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1987 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of the Attorney General's Staff was authorized by Part II, Section 2.1 (26) of Chapter 873 of the 1987 Session Laws. That act states that the Commission may consider House

Joint Resolution 1818 and Senate Joint Resolution 1157 in determining the nature, scope and aspects of the study. Section 1 of House Joint Resolution 1818 and Senate Joint Resolution 1157, are identical, and read: "The Legislative Research Commission may study the extent of and need for attorneys in the Department of Justice to serve State agencies when these agencies have available legal staff. As a part of the study, the Commission shall consider all legal services and functions in State government to eliminate possible overlap and duplication of effort." The relevant portions of Chapter 873 of the 1987 Session Laws are included in Appendix A. The Legislative Research Commission grouped this study in its State Personnel and Modern Family area under the direction of Representative Aaron E. Fussell. The Committee was chaired by Senator Helen R. Marvin and Representative Gerald L. Anderson. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

This Committee was created at the request of the cochairmen of the Appropriations Committee on Justice and Public Safety, who also serve as the cochairmen of this Committee, because during the review of the base budget during the 1987 Session there were requests from the Attorney General's Office for lawyers to work with different agencies of government and there were many agencies that had their own attorneys and seemed to be adding more and more each year. The Appropriations Committee on Justice and Public Safety could not see the rationale for deciding whether the attorneys should be supplied by the Attorney General's Office or if they were not supplied by the Attorney General's Office what the procedure and specifications were that the various agencies used in deciding that they needed legal assistance. The Appropriations Committee on Justice and Public Safety felt that this warranted study by the Legislative Research Commission.

The Attorney General's Staff Serving State Agencies Legislative Research Commission Study Committee held seven meetings.

February 5, 1988:

At this meeting the Committee received an updated version of a report submitted to the Appropriations Committee on Justice and

Public Safety the Fiscal Research Division during its 1987 deliberations.[1]

The report pointed out that the Attorney General's Office is responsible for representing all State departments (agencies, institutions, or bureaus) that receive financial support partially or totally from the State. There are seven departments/agencies for which the Attorney General's Office is specifically mandated to provide legal assistance. In addition the Attorney General's Office has the responsibility to handle civil litigation in the State that affects the State government as well as duties related to criminal prosecutions.

The FRD report then lists the legal positions associated with all state departments and the positions in the Attorney General's Office providing support to the departments.

The Committee recognized several inconsistencies in the manning of various departments and the funding sources for members of the Attorney General's Office.

The Committee decided to conduct a survey of each department of all legal positions in state government.[2]

March 11, 1988:

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1 The report was reviewed and amended during the course of the study and a copy of the final, updated, version is attached as Appendix C

2 The minutes for this and all other meetings are contained in the Committee Notebook that is on file in the Legislative Library.

A presentation by Don Huffman of the Office of State Personnel described the differences between Attorneys and Agency Legal Specialists from a personnel perspective. Attorneys issue formal legal opinions on legal issues. Agency Legal Specialists do research, prepare reports, and do preliminary work on cases that might, subsequently, be taken to court through the Attorneys in the Attorney General's Office. A license to practice law is not a prerequisite for an Agency Legal Specialist.

Lawyers in Attorney I positions perform a full range of legal duties in a limited area of law or they assist higher-level Attorneys in the more complex areas of law. Attorney II and Attorney III positions deal with increasingly complex legal cases. Attorney IV positions are supervisors of a group of attorneys. Attorney V positions are division heads within the Attorney General's Office. Agency Legal Specialists track the progression in Attorney classifications but they deal with less complex programmatic and legal considerations within the agencies to which they are assigned. Agency Legal Specialists are the rough equivalent of Attorney I, II, and II and Executive Agency Legal Specialist is the rough equivalent of Attorney IV.

Agency Legal Specialist positions are approved in two ways: the General Assembly may create a new position within the budget or an agency will seek to have a position reclassified as an Agency Legal Specialist position.

Any Attorney positions outside of the Attorney General's Office have been created by statute.

Alan Briggs, Deputy Attorney General, made a presentation on the structure and functions of the Attorney General's Office.[3] The discussion centered on the issues of organization, funding, assignment, criminal appeals, special prosecutions, authority to litigate outside the Attorney General's Office, contact with the Attorney General on the creation of Agency Legal Specialist positions, and potential disagreements between representative of the Attorney General's Office and the Agency Legal Specialists providing advice to the same agency.

The Attorney General's Office approves all settlements in cases brought by and against state agencies. The Attorney General's Office represents the Governor's Office in all litigation, but the Governor also has the right to seek independent representation, with the Attorney General's concurrence, which is paid by the State through funds available to the Governor's Office.

Secretary James S. Lofton made a presentation on behalf of the Department of Administration.

Franklin Freeman, Jr. made a presentation on behalf of the Administrative Office of the Courts.

Ike Avery, Special Deputy Attorney General, made a presentation at the request of Secretary Joseph W. Dean on behalf of the Department of Crime Control and Public Safety.

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3 A copy of this and all other presentations in contained in the Committee Notebook on file in the Legislative Library.

David McLoed, Director of Legal Affairs, made a presentation on behalf of the Department of Agriculture.

Bob Booth, Special Assistant to Secretary Patric Dorsey, made a presentation on behalf of the Department of Cultural Resources.

May 6, 1988:

Michele Nelson, told the Committee that 42 of 48 Agency Legal Specialists and Executive Agency Legal Specialists are licensed to practice law in North Carolina.

W. Scott Harvey, Deputy Secretary of Commerce, made a presentation on behalf of the Administrative Services area of the Department of Commerce.

Ann Fulton, Counsel, made a presentation on behalf of the Alcoholic Beverage Control Commission.

V. H. Gransee, Legal Department, made a presentation on behalf of the Employment Security Commission.

Ron Raxter made a presentation on behalf of the Savings and Loan Division.

McNeil Chestnut, General Counsel, made a presentation on behalf of the Banking Commission.

The Banking Commission, the Secretary of State's Office, and the Employment Security Commission have statutory authority to be represented by counsel in lawsuits and to institute lawsuits in their own names.

Bob Wells, Chairman, made a presentation on behalf of the Utilities Commission.

Ernest Pearson, Chairman, made a presentation on behalf of the Industrial Commission.

The Department of Community Colleges filed a written report with the Committee that was discussed by the Committee Counsel.

Lorrie L. Dollar, Senior Administrative Assistant, made a presentation on behalf of the Department of Correction.

William K. Hale, Deputy Commissioner, made a presentation on behalf of the Insurance Department.

The Department of Labor filed a written report with the Committee that was discussed by Michele Nelson, Committee Staff.

The Committee Counsel then made a report concerning the legal representation of independent licensing boards. Approximately $300,000 is paid annually to retained counsel by those boards.

September 12, 1988:

Secretary David Flaherty, made a presentation on behalf of the Department of Human Resources. He described the legal functions of the nine Agency Legal Specialists assigned to the Department. He told the Committee that local Social Services offices were responsible for finding local counsel to represent the State and County in enforcing child support and other welfare matters. Jennifer Brock, Director of the Office of Legal Affairs, responded to questions from the Committee.

There was discussion about the origin of Agency Legal Specialists and about their role in the legal process involving the State.

Patricia A. Yancey, Office of Legislative Services, and Harry Wilson, Agency Legal Specialist, made a presentation on behalf of the Department of Public Education.

Myron C. Banks, Deputy Secretary, made a presentation on behalf of the Department of Revenue.

Sandra L. Duke, Legislative Liaison, and Joseph E. Slate, Jr., Director of the Office of Legal Affairs, made a presentation on behalf of the Department of Natural Resources and Community Development.

September 21, 1988:

Ann Reed, Senior Deputy Attorney General, gave the Committee a report on the Attorney Generals's use of attorneys for child support enforcement matters.

Robert A. Mellott, Chief Administrative Law Judge and Director, made a lengthy presentation on behalf of the Office of Administrative Hearings describing the history, structure, functions of the Office of Administrative Hearings and responding to criticisms made about the Office of Administrative Hearings.

Clyde Smith, Deputy Secretary, made a presentation on behalf of the Office of the Secretary of State. He introduced Eugene J. Cella, Enforcement Attorney with the Securities Division, who

said that in the last year the Secretary of State went into court on six occasions for temporary restraining orders or receiverships.

William C. Deal, Jr., Assistant Secretary for Administration, made a presentation on behalf of the Department of Transportation.

J. D. Foust, Deputy Treasurer, made a presentation on behalf of the State Treasurer's Office.

R. D. McMillan, Lobbyist, and Dick Robinson, Assistant to the President for Legal Affairs, made a presentation on behalf of The University of North Carolina explaining the positions for twelve attorneys at the various campuses.

October 17, 1988:

John Hunter, Legal Counsel to Governor Martin, made a presentation on behalf of the Office of the Governor.

James R. Trotter, General Counsel to the Governor, made a presentation addressing the Governor's contractual legal services. Mr. Trotter described the four instances in which the Governor contracted for outside legal services.

Alan Briggs, Deputy Attorney General, made a presentation on the pros and cons of consolidation of legal services under the Attorney General's Office.

Attorney General Lacy H. Thornburg addressed the Committee urging the committee to consider consolidation of legal services

into his Department. He indicated that he did not think that all attorneys in State government ought to be consolidated within the Attorney General's Office and specifically mentioned the Employment Security Commission, the Office of Administrative Hearings, the Industrial Commission, the Utilities Commission, the Legislative Staff, and The University of North Carolina, as those that should not be included in a consolidation. He explained the benefits to be derived by consolidation. He recommended that each department head ought to have at least one administrative assistant, an attorney, to keep in touch with the lawyers in the Attorney General's Office that are representing the department, and to advise the department head on policy matters.

The Attorney General discussed with the Committee some of the concerns raised at earlier meetings such as the appellate division, assignments or allocations of attorneys, and salaries.

The Committee having concluded its deliberations discussed the following recommendations:

(1) That each department or agency head have an attorney at a deputy department or agency head level to maintain liaison with the Attorney General's Office and to provide legal advice on policy matters.

(2) That the Attorney General should report to the General Assembly, on or before April 1, 1989, with a recommendation for the consolidation of

legal services to state departments and agencies within the Attorney General's Office. These recommendations should conform to the discussions that the Attorney General had with this Committee. This report should contain the positions and salaries to be transferred and should include the necessary legislation to accomplish the consolidation.

(3) That until the General Assembly acts further, all requests for additional legal personnel in the various state departments and agencies should be referred to the Attorney General for his review and comment prior to consideration or approval.

November 16, 1988:

The Committee reviewed, amended, and approved the Committee Report for referral to the Legislative Research Commission for transmittal to the 1989 General Assembly.

FINDINGS AND RECOMMENDATIONS

FINDING 1: The Committee finds that in order to enhance the quality and cost-effectiveness of legal services provided to departments and agencies of state government, most legal services should be consolidated under the supervision of the Attorney General in the Department of Justice.

RECOMMENDATION: That the General Assembly pass the attached bill (Appendix D) to require the Attorney General to report to the 1989 General Assembly, on or before April 15, 1989, with a plan for the consolidation within the Attorney General's Office of positions providing legal services to the departments and agencies of state government.

This plan should not provide for the consolidation of the legal positions in the Employment Security Commission, the Office of Administrative Hearings, the Legal Staff of the Industrial Commission, the Utilities Commission Legal Staff and Public Staff, the Legislative Staff, The University of North Carolina (excluding the positions at North Carolina Memorial Hospital), the Administrative Office of the Courts, the Office of the Governor, or the Administrative Rules Review Commission.

This plan should provide for a new position, at the assistant or deputy secretary or agency head level in each department or agency of state government for a legal advisor to the Secretary

or Agency Head to provide liaison with the Attorney General's Office and legal advice on policy matters.

This plan should make provisions for the reclassification, as necessary, of the agency legal specialist positions remaining with the departments and agencies.

This plan should be in the form of legislation to be passed by the 1989 General Assembly to implement the recommendations of this Committee and should be consistent with the discussions between the Committee and the Attorney General.

FINDING 2: That the Attorney General is not consulted when various departments and agencies of state government request new or reclassified legal positions.

RECOMMENDATION 2: That until the General Assembly acts further, all requests for new or reclassified legal positions be forwarded through the Attorney General for his review and comment prior to any action being taken on the request. The Attorney General will determine whether or not his Office can provide the legal services needed with greater efficiency and in a more cost-effective manner and this decision should bear great weight as to whether or not the request is approved. The Committee Counsel will forward this recommendation to the chairmen of the appropriate appropriations committees.

FINDING 3: That there is no appropriated fund in the Office of the Governor to pay for outside counsel hired by the Governor after the Attorney General has determined that the Attorney General's Office cannot represent the Governor because of a conflict.

RECOMMENDATION 3: That the General Assembly pass the attached bill (Appendix E) to require the Attorney General to report to the 1989 General Assembly, on or before April 15, 1989, with a recommendation, after consultation with and the concurrence of the Office of the Governor, for the amount of an appropriated contingency fund, to be created in the Office of the Governor, for the hiring of outside counsel to represent the Governor or heads of departments or agencies in lawsuits, when the Attorney General determines that the Attorney General's Office cannot represent these persons because a conflict exists.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 873
HOUSE BILL 1

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Study Commissions and Committees Act of 1987."

. . .

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1987 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

. . .

(26) Attorney General's Staff (H.J.R. 1818-Anderson; S.J.R. 1157-Marvin),

. . .

Sec. 2.6. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation to the 1989 General Assembly.

Sec. 2.7. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by

reference any of the substantive provisions contained in the original bill or resolution.

. . .

-----EFFECTIVE DATE

Sec. 31. This act is effective on July 1, 1987.

APPENDIX B

MEMBERSHIP OF LRC COMMITTEE ON ATTORNEY GENERAL'S STAFF

Pres. Pro Tem's Appointments

Sen. Helen R. Marvin, Cochair
119 Ridge Lane
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Post Office Box 295
Lewiston/Woodville, NC 27849
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Sen. David R. Parnell
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Mr. Marvin Speight
East Pine Street
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Speaker's Appointments

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Rep. George W. Brannan
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Smithfield, NC 27577
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Rep. John T. Church
Post Office Drawer 947
Henderson, NC 27536
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Rep. Roy A. Cooper, III
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Clerk: Ms. Margie Kirby
(919) 733-5770 (O)
(919) 243-3528 (H)

LRC Member: Rep. Aaron E. Fussell

REPORT ON LEGAL POSITIONS

IN THE

ATTORNEY GENERAL'S OFFICE

AND

STATE DEPARTMENTS/AGENCIES

FISCAL RESEARCH DIVISION
Revised November 22, 1988

As a result of the review of legal staff in the Department of Justice and State departments/agencies by the Justice and Public Safety Appropriations Subcommittee, the 1987 Session of the General Assembly authorized the Study Commission on Attorney General's Staff. In its deliberations the commission 1) may consider the necessity for attorneys in the Department of Justice to serve state departments or agencies when state agencies have legal staff, and 2) consider all legal services and functions in State government to eliminate possible overlap and duplication.

The report submitted herein provides an update and expansion of the information considered by the Justice and Public Safety Appropriations Subcommittee.

Authority of the Attorney General

In accordance with G.S. 114-2(1) one of the responsibilities of the Attorney General is representation of all state departments (agencies, institutions, or bureaus) that receive financial support even partially, from the State.

By statute the Attorney General is specifically mandated to provide legal assistance to seven (7) state departments/ agencies:

1. At least two (2) assistant attorneys general to the Department of Revenue (G.S. 114-4).

2. Appoint assistant attorneys general and other staff attorneys as considered advisable to provide all legal assistance for state highway functions of the Department of Transportation (G.S. 114-4.2). In compliance with this statute the Department of Transportation provides office space, equipment and supplies. Additionally by statute, funds appropriated from the Highway Fund support this staff.

3. Assign assistant attorneys general to the Commissioner of Insurance and the State Department of Insurance (G.S. 114-4.2A).

4. Assign an attorney on a full time basis to North Carolina Memorial Hospital at Chapel Hill. Salary this position shall be paid from funds of the hospital (G.S. 114-4.2B).

5. Assign an attorney on a full time basis to provide legal counsel for the North Carolina Real Estate Commission (now Real Estate Commission) - (G.S. 114-4.2C).

6. Appoint staff attorney to work full time with the Energy Division in the Department of Commerce. (G.S. 114-4.2D).

7. Designate a staff attorney to specialize in laws affecting the handicapped and act as an advisor to the Division of Vocational Rehabilitation, the North Carolina Council for the Hearing Impaired, the North Carolina School for the Deaf and the Governor Morehead School (G.S. 114-4.2F).

Notwithstanding these mandated responsibilities, the Attorney General is also required by law to handle civil litigation affecting the State agencies or departments as well duties related to criminal prosecutions (G.S. 114-6).

Additionally, the Attorney General may initiate or intervene in proceedings of the North Carolina Utilities Commission on behalf of the State and its agencies and citizens when it is considered in the public interest G.S. 62-20).

Counsel Employed By Executive Departments Agencies

Notwithstanding G.S. 114-2(2) state departments (office, agency, institution, commission, bureau) may employ legal counsel only with the approval of the Governor. In compliance with G.S. 147-19 the Governor may grant approval only if the Attorney General certifies that it is not possible to provide legal services. Under this statutory authority, the Governor may authorize employment of legal counsel and designate compensation for services to be paid from appropriations or other funds credited to the respective state department agency or from the Contingency and Emergency Fund.

Availability of Legal Services in State Departments

In compliance with state law that provides for legal services to be rendered by both the Attorney General and counsel employed by State departments/agencies, $13,249,696 in budgeted salaries will support 316 legal positions in Fiscal Year 1988-89. To reflect a more accurate cost of legal staff it is reasonable to increase salaries approximately 21.4% to include benefits (retirement, Social Security, and medical coverage) and 10% for operating expenses (supplies, telephone expense, travel, books, etc.) Of the twenty-one (21) state departments/agencies, only Cultural Resources and Labor, exclusively utilize the legal services of the Attorney General's Office. Due to the nature of its operation, the Housing Finance Agency has contractual arrangements with 1) a Raleigh law firm that provides counsel to the Board of Directors and advises in real estate matters and 2) a bond counsel with a New York law firm that was appointed by the State Treasurer's Office. Additionally, the Office of Administrative Hearings (OAH) is not represented by the Attorney General's Office.

The charts on the succeeding pages provide 1) a summary of positions and salaries, 2) expenditure data and, 3) an explanation of the legal services available in both the Attorney General's Office and State departments and agencies. Additionally, job specifications prepared by the Office of State Personnel have been included in the report to assist in understanding the various levels of legal positions employed in state government.

The order of the sections in the Attorney General's Office in the **Summary of Positions and Budgeted Salaries** on pages 24 - 34 demonstrates the multiservice structure in the department. It was necessary to refer to a number of sections more than one-time in order to display the legal assistance provided to State departments and agencies. The total expenditures in the Attorney General's Office do not reflect a duplication of budgeted salaries.

[As a result of the discussion and presentations to the LRC on Attorney General's staff this section has been revised to include the positions to the Administrative Rules Review Commission (p. 24) and in the Governor's Office (p. 27), and to adjust the budgeted salaries and number of positions in the Attorney General's Office and in the executive departments/agencies, specifically, the Department of Human Resources (p. 27), Department of Labor (p. 28), Office of Administrative Hearings, Department of Revenue (p. 29), and the University System and N. C. Memorial Hospital (p. 30).]

Revised 11-22-88

SUMMARY OF LEGAL POSITIONS AND BUDGETED SALARIES

State Department/Agencies				Attorney General's Office			
Dept./ Agency	Position	No.	Budgeted Salary	Section	Position	No.	Budgeted Salary
Admin.	Agency Legal Specialist	4 1	$130,428 (GF) 28,188 (F-100%)*	Property Control	Attorney	6	$242,640 (GF 49,692 (R)**
				Energy/ Utilities	Attorney	4	182,328 (GF
Admin. Office Courts	Counsel	1	49,692 (GF)	Services to State Agencies	Attorney Attorney Paralegal	7 1 1	300,852 (GF, 30,912 (R)** 10,884 (R)**
				Special Prosecutions	Attorney	6	264,756 (GF
Admin. Rules Review Comm. (ARRC)	Attorney	2	87,624 (GF)	-	-	-	-
Agriculture	Exec. Legal Specialist for Agriculture	1	45,792 (GF)	Services to State Agencies	- See previous reference -		
	Agency Legal Specialist	1	30,912 (GF)				

Key:

GF	=	General Fund	R	=	Other Receipt
F	=	Federal Receipt	OP	=	Other Payroll
HF	=	Highway Fund			

State Department/Agencies

Dept. Agency	Position	No.	Budgeted Salary
Commerce	Exec. Legal Spec. Banking	1	$ 31,432 (R)[3]
	Chief Counsel	1	34,564 (F-100%)[3]
	Deputy Comm'ners Indust. Comm.	12	519,936 (GF)
	Attorney	13 5	630,063 (GF) 197,244 (F-100%)[3]
	Agency Legal Specialist	6	38,064 (R)[3] 39,012 (F-100%)[3] 137,292 (R)[3]
	Appeals Referees	19	592,872 (F-100%)[3]
	Paralegal	1	24,792 (GF)
Community Colleges	Asst. for Legal Affairs	1	46,812 (GF)
	Paralegal	1	21,768 (GF)

Attorney General's Office

Section	Position	No.	Budgeted Salary
Energy/ Utilities	- See reference on page 24 -		
Consumer Prot./Anti-Trust	Attorney	8	330,180 (GF)
Education	Attorney	5	234,852 (GF)
	Paralegal	1	24,792 (R)[14]

Office Dept./ Agency	State Department/Agencies Position	No.	Budgeted Salary
Correction	Chief Legal Counsel/Senior Admin. Asst.	1	$38,916 (GF)
	Agency Legal Specialist	4	136,056 (GF)
	Paralegal	1	24,792 (GF)
Crime Control & Public Safety	Paralegal (10% of time with legal matters)	1	22,236 (GF)
Cultural Resources	-	-	-

Attorney General's Section	Position	No.	Budgeted Salary
Correction	Attorney	6	$255,276 (GF)
Special Litigations	Attorney	6	362,292 (GF)
		1	37,176 (GF)[15]
	Paralegal	1	19,968 (GF)
		2	39,936 (R)[16]
Federal Habeas	Attorney	3	138,900 (GF)
	- See reference on page 24 -		
Appellate	Attorney	5	218,268 (GF)
	Paralegal	1	21,768 (GF)
Crime Control	Attorney	4	179,136 (OP)[17]
Services to State Agencies	- See reference on page 24 -		

State Department/Agencies				Attorney General's Office			
Dept.. Agency	Position	No.	Budgeted Salary	Section	Position	No.	Budgeted Salary
Governor's Office	General Counsel	1	$67,404 (GF)	Section is determined by the subject of litigation. If litigation is not specific to an executive agency, services are provided by the Special Litigation Unit (page 26).			
	Legal Counsel	1	37,824 (GF)				
	Asst. Legal Counsel	1	26,124 (GF)				
Human Resources	Attorney	1	6,032 (GF) 44,236 (F-88%)[5]	Human Resources	Attorney	11 15 1	418,596 (GF) 573,288 (R)[13] 43,164 (R)[13]
	Agency Legal Specialist	9	285,336 (GF)				
	Paralegal	2	26,312 (GF) 19,156 (F-88%)[5]		Paralegal	1 1	23,700 (GF) 25,344 (R)[13]
				Medicaid Investi-gations	Attorney	3	141,168 (R)[13]
Insurance	Attorneys	8	341,388 (GF)	Insurance	Attorney	1	37,176 (GF)
	Agency Legal Specialist	1	45,384 (GF)[6] (Frozen)				
	Agency Legal Specialist	1	47,424 (R)[7]				
	Paralegal	1	25,068 (GF)				

State Department/Agencies

Office Dept./ Agency	Position	No.	Budgeted Salary
Labor	-	-	$ -
	Asst to Exec Legal Affairs	1	62,000 (GF)
NRCD	Exec. Legal Specialist-NRCD	1	46,860 (GF)
	Agency Legal Specialist	9	329,028 (GF) 30,912 (R)[8]
	Paralegal	3	68,328 (GF)
Office Admin. Hearings	Admin. Law Judge	9	448,344 (GF)
	Exec. Legal Specialist	1	44,844 (GF)[9]
	Agency Legal Specialist	1	39,012 (GF)
	Paralegal	2	54,852 (GF)

Attorney General's

Section	Position	No.	Budgeted Salary
Labor	Attorney	3 1	$123,108 (GF) 37,176 (R)[20]
Environ. Protection	Attorney	8	358,824 (GF)
	Paralegal	2	43,536 (GF)
Services to State Agencies	- See reference on page 24 -		

State Department/Agencies

Dept. Agency	Position	No.	Budgeted Salary
Public Instruction	Agency Legal Specialist	1	$14,928 (GF) 14,928 (F)[illegible]
Revenue	Agency Legal Specialist	2	66,612 (GF)
Secretary of State	Attorney	1	32,712 (GF)
	Agency Legal Specialist	2	30,416 (GF)
Transportation	Agency Legal Specialist	1	33,900 (HF)
Treasurer	Agency Legal Specialist	1	33,900 (GF)

Attorney General's Office

Section	Position	No.	Budgeted Salary
Education - See reference on page 25 -			
Tort Claims	Attorney	4	166,344 (GF)[illegible]
		2	87,444 (OP)[illegible]
	Paralegal	1	23,700 (GF)
Revenue	Attorney	4	172,032 (GF)
Services to State Agencies	- See reference on page [illegible] -		
Highway	Attorney	14	714,744 (OP)[illegible]
		1	28.55 (OP)[illegible] (Hourly Rate)
Motor Vehicles	Attorney	3	140,580 (GF)
Services to State Agencies	- See reference on page 24 -		
Escheats	Attorney	1	53,892 (R)[22]

Office Dept., Agency	State Department/Agencies Position	No.	Budgeted Salary	Attorney General's Section	Position	No.	Budgeted Salary
University System							
UNC-General Admin. and Campuses	Attorney	16	$921,033 (GF)	**Education**	- See reference on page 25 -		
N. C. Memorial Hospital	Ass't to Exec Director for Legal Affairs	1	$62,000 (GF)	**Human Resources** (There is an attorney and a paralegal in this section that serve North Carolina Memorial Hospital.)	- See reference on page 27 -		
	Agency Legal Specialist	1	$41,700 (GF)				
	Hospital Risk Manager	1	$31,620 (GF)				
	Paralegal	1	$26,124 (GF)				
	Clinical Nurse	1	$29,856 (GF)				
-	-	-	-	**Elections**	Attorney	1	52,668 (GF)
-	-	-	-	**Real Estate**	Attorney	1	42,636 (R)[23]
-	-	-	-	**Western Office**	Attorney	3 2	130,236 (GF) 108,216 (OP)[21]
-	-	-	-	**Legal Admin.**	Attorney	7	454,860 (GF)
-	-	-	-	**Law Enfor. Liaison Section**	Attorney	2	79,812 (GF)

Footnotes:

1 Funding available from the Protection and Advocacy Act for the Mentally Ill - National Institute of Mental Health.

2 Federal receipts from the U.S. Department of Labor, Employment and Training Administration.

3 Receipts from bailment surcharge - Alcohol Beverage Control Board and fees from bank assessments and supervision of Savings and Loan operations.

4 The position is employed thirty hours per week with salary and benefits prorated accordingly. The budgeted full time salary would be $34,832.

5 Federal funds from the EPA Hazardous Waste Act.

6 This position is not included in the total number of legal positions in executive departments/agencies.

7 Receipt generated by litigation in the Beacon Insurance Company case.

8 Federal funding - not grant specific.

9 The staff in the positions were transferred to the Administrative Rules Review Commission (ARRC) which is an independent agency. The positions remain in OAH but have been reclassified to Director of APA Services and Senior Civil Rights Investigator respectively. The positions are not included in the total number of legal positions in the executive agencies departments.

10 Federal funds from the Title IV-B, Exceptional Children's Program partially support this position.

11 Position supported with funds from the State Ports Authority.

12 Funds from Private Protective Services Board/Alarm Systems Licensing Board.

13 Funds from the N.C. State Board of Practicing Psychologist support this position - employed half time.

14 Funding provided by the N.C. Educational Assistance Authority (affiliated with the University of North Carolina General Administration).

15 This position is TLP which means the position is "Time Limited" (e.g. 6 month or 9 month assignment), but receives full benefits as a permanent position.

16 Two (2) positions are supported by funds transferred by the Department of Correction.

17 Positions on the payroll of Crime Control and Public Safety and supported with Highway Funds.

18 Positions supported by funds transferred from the Department of Human Resources.

19 Positions supported by funds transferred from N.C. Memorial Hospital.

20 Funds transferred from the Department of Labor to support position.

21 Positions supported with Highway Funds - DOT.

22 Receipt supported from State Escheats Fund.

23 Funds provided by Real Estate Commission.

During Fiscal Year 1989 General Fund and Federal resources with limited receipts from private agencies supported legal staff in both the Attorney General's Office and the State departments and agencies under the jurisdiction of the Executive Branch. The following chart provides describes the allocation of these resources:

FY 1988-89	State Departments Agencies	Attorney General's Office	Total Expenditure and Positions
General Fund	$4,923,620	$4,834,428	$9,758,048
Highway Fund	33,900[1]		33,900
Federal Receipts	990,200[2]	-	990,200
Other Receipts	305,124[3]	1,072,884[3]	1,378,008
Other Payrolls	-	1,089,540	1,089,540
Total	$6,252,844	$6,996,852	$13,249,696
Positions	155[4]	161[4]	316

Footnotes:

[1] In addition to the attorneys from the Attorney General's Office assigned to the Department of Transportation, there is also an Agency Legal Specialist employed by DOT.

[2] Federal funds support legal position(s) either totally or partially in the Departments of Administration (100% - Protection and Advocacy Act for the Mentally Ill), Commerce (100% - U.S. Department of Labor, Employment and Training Administration), and Human Resources (88% - EPA Hazardous Waste Act), and Public Instruction (50% - Title IV-B, Exceptional Children's Program).

[3] Fees collected from the bailment surcharge (ABC), bank assessments, and supervision of Savings and Loan support positions in the Department of Commerce. One (1) position in the Insurance Department is supported by receipts generated by litigation of the Beacon Insurance Company case.

[4] The positions include 46 attorneys, 43 Agency Legal Specialist, 3 Executive Legal Specialists, 13 paralegals, 1 Chief Legal Counsel (DOC), 1 Counsel (AOC), 1 Chief Counsel (ESC), 1 General Counsel (Governor's Office), 1 Legal Counsel (Governor's Office), 1 Assistant for Legal Affairs (Comm. Colleges), 1 Assistant Legal Counsel (Governor's Office), 9 Admin. Law Judges, 12 Dep. Commissioners (Industrial Commission), 19 Appeals Referees (ESC), and 1 Assistant to Executive Director for Legal Affairs (Memorial Hospital) 1 Hospital Risk Manager (Memorial Hospital) and 1 Clinical Nurse (Memorial Hospital). All positions are full time with the exception of the Assistant Legal Counsel in the Governor's Office which is employed thirty hours per week.

[5] The Attorney General's Office receives funds to support counsel provided for the Departments of Correction, Education, Human Resources and Labor, the N. C. State Bar of Practicing Psychologists, the State Ports Authority, State Escheats Fund and the Real Estate Commission.

[6] The positions in the Highway Section that provide legal assistance for the Department of Transportation are supported by the Highway Fund. Additionally, two (2) positions in the Human Resources Section are housed at N. C. Memorial Hospital and medical center funds support these positions.

[7] There are 150 attorney positions and 11 paralegal positions. One (1) attorney position is filled on a Time Limited Basis (TLP), one (1) attorney position is reimbursed on an hourly rate basis, and one (1) paralegal position is employed half-time.

COUNSEL RESPONSIBILITIES

IN

STATE DEPARTMENTS/AGENCIES

AND

ATTORNEY GENERAL'S OFFICE

[The changes in this section include the addition of the positions to the Administrative Rules Review Commission (p. 24) and in the Governor's Office (p. 49), and revisions to the information indicated for the Department of Human Resources (pp. 50-54), Department of Labor (p. 58), Office of Administrative Hearings (pp. 61-62), Department of Revenue (p. 64), and the University System and N. C. Memorial Hospital (pp. 69-73).]

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Administration					
Secretary's Office	Agency Legal Specialist I	$30,912	75	Coordinates all legal matters for the department with the Attorney General's Office; drafts APA rules and regulations; reviews and drafts legislation; and serves as EEO/Affirmative Action Officer for the department.	The **Property Control Section** provides legal advice, review and preparation of legal documents, representation in administrative hearings and and trial and appellate court matters. There are six (6) attorneys that assist the Department of Administration, State Ports Authority, Office of State Auditor, State Employees' Health Benefit Plan, State Art Museum Building Commission, and State Ports Railway Commission.
Office of Marine Affairs	Agency Legal Specialist II	$34,704	75	The position serves two primary functions: 1) administers the Outer Continental Shelf Program which requires developing recommendations for state policies and positions, marine law, and offshore oil and gas lease sales; and 2) serves as executive director of the NC Marine Science Council which necessitates tracking all federal and state legislation and legal opinions regarding marine resources, coastal law and ocean policies. Also provides legal expertise to the NC Aquarium Society.	
Governor's Advocacy Council for Persons with Disabilities	Agency Legal Specialist II	$30,912	75	The two attorneys specialize in disability law and provide consultation and legal assistance to clients in alleged disability rights cases; represent clients in	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
	Agency Legal Specialist I	$28,188	73	fair hearings, due process hearings, and other administrative appeals; represents clients in court when the Council approves a case for litigation.	One (1) of the four (4) attorneys in the Energy/ Utilities Section represents the Commission with regards to jurisdiction problems concerning the Eastern Band of Cherokee Indians and their 56,000 acre reservation.
Human Relations Council	Agency Legal Specialist II	$33,900	75	This position serves as an assistant to the director of the Council; also helps the agency respond to corporate attorneys or respondents that the agency interacts with on a continuing basis. Enforces Chapter 41A, State Fair Housing Act.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Administrative Office of the Courts	Counsel	$49,692	78	Advises AOC in regards to legal matters, serves as an adviser to the 100 Clerks of Superior Court, serves as a legal resource to the Forms Committee (by law AOC is responsible for developing forms used in court proceedings), and drafts legislation.	There are eight (8) attorneys, and one (1) paralegal in the **Services to State Agencies Section** that provide legal representation to AOC, Department of Agriculture, State Banking Commission, Savings and Loan Division, State Treasurer, Retirement System, Wildlife Resources Commission, and Office of State Personnel. The **Special Prosecutions Section** has six (6) attorneys who provide prosecutorial assistance in criminal cases to District Attorneys when requested and approved by the Attorney General. The staff also provides legal research assistance on complicated questions of law for District Attorneys and Judges. Designated staff also have expertise in capital litigation.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Administrative Rules Review Commission (ARRC)	Attorney	$46,860	FR	Responsible for daily operation of of the office. Reviews all rules filed each month for content and statutory authority, presents the rules and staff recommendations at the monthly Commission meetings, writes all correspondence concernning Commission actions on the rules, prepares the Commission's annual report, and responds to Commission requests.	
	Attorney	$40,764	FR	Responsible for reviewing rules in connection with the Commission's existing rules review, presents the rules and staff recommendations to the Commission, meets with the agency representatives concerning these rules, and notifies all interested parties of existing rules flagged for repeal.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Agriculture	Executive Legal Specialist I - Agriculture	$45,792	79	Handles primarily legislative issues for NCDA.	There are eight (8) attorneys and one (1) paralegal in the **Services to State Agencies Section** that serves the Department of Agriculture, and seven additional state departments and commissions. See AOC, page 38.
	Agency Legal Specialist II	$30,912	75	Concentrates on APA issues and in-house legal cases. Both positions handle policy and regulatory issues.	

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Commerce					
ABC Commission	Agency Legal Specialist III	$44,208	77	All positions provide legal assistance to the Alcohol Beverage Control Commission. (Positions are supported by the bailment surcharge).	The **Consumer Protection/Anti-Trust Section** with a staff of eight (8) attorneys enforces the consumer protection laws of the State and laws to maintain a competitive economy. This section also handles trial preparation and litigation for cases against the Secretary of Administration, Secretary of State, Director of State Personnel, the Commissioner of Insurance.
	Agency Legal Specialist II	$30,912	75		
	Agency Legal Specialist II	$30,912	75		
	Agency Legal Specialist II	$31,260	75		
Banking Commission	Executive Legal Specialist - Banking	$51,432	80	Advises the Commissioner of Banks, the Banking Commission, and the examination support staff. Also monitors developments in state and federal law and represents the Commissioner and Banking Commission in legislative proceedings.	
Employment Security Commission					
Legal Department	Chief Counsel	$54,564	82	Provides legal services to the division, represents ESC in court proceedings and have some hearing responsibilities.	
	Attorney II	$37,620	79		
	Attorney II	$39,384	79		
	Attorney II	$39,384	79		
	Attorney II	$37,692	79		
	Attorney II	$43,164	79		
	(Vacant as of October 13, 1988)				

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Employment Security Commission (continued)					
Administrative Law Division	Appeals Referee Chief (Vacant as of 10/13/1988.)	$32,820	75	Positions perform the adjudicatory function for the Commission, deciding unemployment benefits and tax cases involving employers and employees.	
	Appeals Referee	$34,296	72		
	Appeals Referee	$34,296	72		
	Appeals Referee	$28,512	72	(All positions in this division are federally funded with monies from the U. S. Department of Labor, Employment and Training Administration.)	
	Appeals Referee	$28,860	72		
	Appeals Referee	$38,496	72		
	Appeals Referee	$27,000	72		
	Appeals Referee	$31,620	72		
	Appeals Referee	$33,504	72		
	Appeals Referee	$39,384	72	(Vacant as of October 13, 1988.)	
	Appeals Referee	$28,188	72		
	Appeals Referee	$27,000	72		
	Appeals Referee	$33,504	72		
	Appeals Referee	$31,260	72		
	Appeals Referee	$28,188	72		
	Appeals Referee	$30,216	72		
	Appeals Referee	$27,000	72		
	Appeals Referee	$28,512	72		
	Appeals Referee	$30,216	72		
	Agency Legal Specialist I	$39,012	73	(Vacant as of October 13, 1988.)	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Industrial Commission	Chief Deputy Commissioner	$47,976	84	Responsible for some personnel functions, maintenance of the Law Library, and monitoring continuing Legal Education, etc.	
	Depty. Comm.	$37,620	83	Positions hear contested Workmen's Compensation cases, and Tort Claims against the State.	
	Depty. Comm.	$37,176	83		
	Depty. Comm.	$53,280	83		
	Depty. Comm.	$42,636	83		
	Depty. Comm.	$41,244	83		
	Depty. Comm.	$42,636	83		
	Depty. Comm.	$37,176	83		
	Depty. Comm.	$50,844	83		
	Depty. Comm.	$46,860	83		
	Depty. Comm.	$41,244	83		
	Depty. Comm.	$41,244	83		
	Paralegal III	$24,792	70		
Public Staff	Attorney III	$65,868	82	Responsibilities are to review, investigate, intervene, and make recommendations to the N. C. Utilities Commission on matters affecting the using and consuming public.	Four (4) attorneys in the Energy/Utilities Section represent the consuming public before the N.C. Utilities Commission; rerepresent the Energy Division of the Department of Commerce and matters regarding the affairs of N. C. Indians.
	Attorney IV	$55,224	84		
	Attorney III	$47,424	82		
	Attorney III	$43,164	82		
	Attorney III	$47,424	82		
	Attorney II	$42,636	82		
	Attorney II	$39,384	79		
	Attorney II	$37,620	79		
	Attorney II	$45,252	79	(Vacant as of October 13, 1988.)	
Savings & Loan Commission	Agency Legal Specialist III	$38,064	77	Responsibilities include legal writing and research, statute and regulation drafting, enforcement order preparation, conference participation and counseling, legal negotiation with the federal insuring agency, and providing legal training for examiners.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Utilities Commission	Attorney IV	$52,056	84	Advise and draft orders for the commissioners, and serve as hearing examiners in some cases.	
	Attorney III	$58,548	82		
	Attorney II	$43,680	79		
	Attorney II	$52,056	82		

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Community Colleges	Assistant for Legal Affairs	$46,812	79T	Provides legal assistance to the State Board of Community Colleges and the the President and department staff. Helps draft legislation rules, and clarifies opinions impacting the Community College System.	There are five (5) attorneys and one (1) paralegal in the Education Section that serve the Department of Community Colleges, Department of Public Instruction and the University of North Carolina System.
	Paralegal I	$21,768	65	Aids the Assistant for Legal Affairs in legal research.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Correction	Senior Ad-Administrative Assistant	$38,916	80	Chief Legal Counsel to the Secretary and the Department. Responsible for drafting administrative regulations, implementation of policy, contracts, and legal training for Department personnel.	There are six (6) attorneys in the **Corrections Section** that provide legal counsel for the Department of Correction, the Division of Prison, the Division of Adult Probation and Parole and the Parole Commission in both state and federal courts.
	Agency Legal Specialist III	$33,900	77	Monitors compliance with consent decrees; coordinates complex litigation, which includes discovery, interrogatories, depositions, and onsite inspections of facilities involved in such cases; liaision for substance abuse issues.	Legal counsel is also provided by the **Special Litigations Section** with a staff of seven (7) attorneys and three (3) paralegals this section assists the Department in litigating multiple lawsuits entered against the Department of Correction. This unit handles the most complex litigation involving the State. Cases were previously assigned to private attorneys.
	Agency Legal Specialist II	$38,916	75	Reviews all personnel actions in the Department; prepares affidavits to respond to inmate lawsuits; provides general legal counsel to Departmental personnel.	There are five (5) attorneys and one (1) paralegal in the **Appellate Section** which handles all the criminal appellate cases on behalf of the State in the Court of Appeals, State Supreme Court, and United States Supreme Court.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Correction (Continued)					
	Agency Legal Specialist II	$30,912	75	Prepares affidavits to respond to inmate lawsuits; prepares leases; serves as liaison to the Grievance Resolution Board; and provides general legal counsel to Departmental personnel.	Additionally, there are three (3) attorney positions in the **Federal Habeas Section** that defends 1) lawsuits initiated by inmates in federal court to obtain new trials, 2) the Division of Prisons (DOC) against suits brought by inmates, and 3) suits brought by accused individuals in an attempt to prevent their trials.
	Agency Legal Speicalist II	$32,328	75	Prepares affidavits to respond to inmate lawsuits regarding medical care; processes medical records requests; and provides general legal counsel to Depart-personnel.	
	Paralegal III	$24,792	70	Prepares affidavits to respond to inmate lawsuits. Responds to general and inmate correspondence. Responsible for overall maintenance of case records, and assists Chief Legal Counsel.	See page 38 for reference to **Special Prosecutions Section**

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Crime Control and Public Safety					
Secretary's Office	Paralegal I	$22,236	65	Handles legal preparation of APA rules which requires approximately ten percent (10%) of the position's total responsibilities. The remaining allocation of responsibility (90%) is assigned to computerization.	There are four (4) attorneys in the **Crime Control Section** who are housed in the Department of Crime Control and Public Safety and whose salaries are paid by CCPS from the Highway Fund appropriation. The attorneys work primarily with the Highway Patrol, but also handle other legal matters in the department.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Cultural Resources	-	-	-	-	Attorneys in the Services to State Agencies Section provide assistance to the Department of Cultural Resources. See page 38.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Governor's Office	General Counsel	$67,404	FR	Counsel to Governor on legal matters; supervises activities of Office of Legal Counsel to the Governor; and member of Governor's executive staff along with Governor's Chief of Staff and Director of Budget and Management.	Section is determined by litigation. If litigation doess not relate to specific executive agency, services are provided by the Special Litigation Unit. (See page 45.)
	Legal Counsel	$37,824	FR	Position established to provide legal advice to the Governor. Work performed is an extention of the duties and powers of the Governor. Approximately fifty percent (50%) of current responsibilities relate to the Department of Correction, i.e. matters of clemency and extradition. Also performs day to day administrative duties, and assist the General Counsel in formualting legal advice for the Governor.	
	Assistant Legal Counsel	$26,124	FR	Assist the Legal Counsel.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Human Resources					
Office of the Secretary	Agency Legal Specialist III	$35,916	77	Directs the Office of Legal Affairs. Serves as primary legal support for the Secretary's Office and the Division of Social Services.	There are twenty/seven (27) attorneys and two (2) paralegals in the **Human Resources Section** of the Attorney General's Office. Twenty-six (26) of the attorneys and one (1)paralegals provide legal counsel for the Department of Human Resources, its units and personnel, and representation in Federal and State trials.
	Agency Legal Specialist II	$34,296	75	Assistant Director of office. Works with departmental rules, monitors contested cases, and litigation affecting the department. Serves as primary legal support for Secretary's Offices and Governor's Waste Management Board. In addition to APA Coordinator function, APA function expanded as a result of APA revision. Position now responsible for coordination with OAH and ARRC.	The remaining attorney and paralegal are housed at N. C. Memorial Hospital to provide legal counsel to the medical center. Additionally, three (3) attorneys in the **Medicaid Investigations Unit** are responsible for investigation and prosecution of medical assistance provider fraud in the Medicaid Program.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Human Resources Office of the Secretary (Continued)					
	Agency Legal Specialist I	$30,912	73	Works with executive orders, contested cases and administrative rules. Serves as primary legal support for Divisions of Aging, Vocational Rehabilitation, Blind Services, and Schools for the Deaf and Blind.	
	Agency Legal Specialist I	$29,508	73	Works with legislation affecting the department, departmental directives, lawsuit monitoring and other legal issues. Primary legal support for Divisions of Facility Services, Medical Assistance, and Developmental Disabilities.	
	Agency Legal Specialist I	$34,704	73	Serves as hearing officer for employee grievances and related matters departmentwide.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Human Resources					
Office of the Secretary (Continued)	~~Agency Legal Specialist I~~ Reclassified to non-legal and transferred to Division of Aging to establish the Deputy Director position.	~~$26,976~~	~~73~~	~~Works with rules, regulations, and other legal issues concerning programs for the elderly.~~	
	Paralegal II	$23,700	67	Assists the Special Attorney in the Attorney General Office who handles special assignments in the Environmental Section - preparation of the Stott, Cayton, Register litigation.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Human Resources					
Office of the Secretary (Continued)	Disability Determination Specialist II	$23,976	65	Administers the Disability Information Office and responds to questions concerning the Social Security Disability Insurance Program. No actual legal work. Legal questions are referred to an attorney. (Position is not classified legally as initially reported in February, 1988.)	
Division of Facility Services	~~Agency Legal Specialist I~~ Position re-classified to non-legal.	~~$26,976~~	73	~~Works with rules, legislation, and legal issues generated by the various components in the division.~~	
Division of Health Services	Attorney II	$50,268	79	Handles contested cases, lawsuits, and other legal issues for Hazardous Waste Management Section.	
	Agency Legal Specialist II	$32,712	75	Serves as hearing officer and works on legal issues related to Public Health.	
	Agency Legal Specialist I	$28,188	73	Works with rules and legal issues relating to Public Health. Also rule-making responsibilities chiefly regarding Administrative Rules Review Commission (ARRC).	
	Paralegal II (Paralegal Trainee)	$21,768	67	Handles issuances that are out of compliance for the Solid Management Section.	

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Human Resources					
Division of Mental Health, Mental Retardation, and Substance Abuse	Agency Legal Specialist I	$30,912	73	Works with rules, legislation, the institutions administered by the Division and related legal issues concerning the department.	
Division of Youth Services	Agency Legal Specialist I	$28,188	73	Works with rules, legislation, the facilities administered by the Division and related legal issues.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Insurance					
Legal Services Division	Attorney III	$53,280	82	In addition to serving as Deputy commissioner, also serves as legislative liaison and provides counsel in the areas of automobile insurance, commercial insurance, medical malpractice, reinsurance, surplus lines, holding companies, unauthorized insurers, and unfair trade practices.	One (1) attorney in the **Insurance Section** provides legal services to the Department of Insurance.
	Attorney II	$52,056	79	Handles all matters relating to life insurance; accident and health insurance; annuities; hospital, medical and dental service corporations; and health maintenance organizations.	
	Attorney II	$41,244	79	Handles rate making and legal opinions regarding Workers' Compensation Insurance, fire and homeowners insurance, commercial property and casualty insurance, and title insurance, etc.	
	Attorney II	$41,244	79	Advises the Commissioner in matters pertaining to property and casualty insurance, particularly auto, medical malpractice, and workers' compensation coverages.	

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Insurance (Continued)	Attorney I	$41,244	79	Provides legal counsel in the areas of accident and health insurance, APA rules, advertising, health maintenance organizations, N.C. Building Code, and N.C. Fire Insurance Fund, etc.	
	Attorney II	$37,176	79	Advises and represents Agent Services, Special Services, Consumer Services, Manufactured Housing, Market Conduct, and the Investigations Divisions. Also represents the department in administrative hearings.	
	Attorney II	$41,244	79	Provides counsel and advice in the areas of insurance premium taxation, auto liability insurance cancellations, agent licensing, insurance company mergers, prepaid legal services plans, credit card facilities, and premium finance companies.	
	Attorney I	$33,900	75	Provides legal counsel in the advertising areas of annuities, health insurance, Medicare supplement insurance, and life insurance.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Insurance (Continued)					
	Agency Legal Specialist III	$45,384	77	This position is internally frozen. Attorney was assigned to Market Conduct to provide counsel in the Beacon Insurance Case.	
	Paralegal II	$25,068	67	Within this division provides legal research, screens calls and requests from the public and and the insurance industry, answers questions that do not require a license to practice law, and monitors legislation.	
Market Conduct	Agency Legal Specialist III	$47,424	77	Provides expertise in discovery and organization of litigation for the Beacon Insurance Company case. This N.C. based insurance company is one of several involved in litigation of the Federal RICO Statute against brokerage firms in the U.S. and London that were negligent and fradulent in handling financial transactions. The position is supported from receipts generated by the litigation.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES
Labor	~~Paralegal III~~	~~$24,768~~	~~70~~	~~Reviews federal regulation affecting the department.~~

A.G.'S OFFICE

The **Labor Section** has a staff of four (4) attorneys who advise and represent the the Department of Labor in regards to OSHA penalty cases, lawsuits initiated to collect unpaid back wages under the Wage and Hour Act, and prepare administrative search warrants.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Natural Resources and Community Development					
Office of Legal Affairs	Exec. Legal Specialist	$46,860	81	The attorneys are assigned to one office to address legal work related to 1) formal enforcement actions in the Divisions of Environmental Management, Land Resources and Coastal Management; 2) General Statutes and Administrative rules; and 3) contracts, leases, grants, and memoranda of agreement. Administrative duties include legal advice to the department's Personnel Division and participation on departmental and interdepartmental committees and task forces.	There are eight (8) attorneys and two (2) paralegals in the **Environmental Protection Section** who provide legal counsel to the Department of Natural Resources and Community Development in the areas of water and air quality, land resources, coastal management, marine fisheries management, parks, submerged land claims and the economic development programs.
	Agency Legal Specialist III	$40,764	77		
	Agency Legal Specialist III	$39,840	77		
	Agency Legal Specialist III (Vacant as of 10/13/88)	$38,916	77		
	Agency Legal Specialist III	$41,700	77		
	Agency Legal Specialist III	$33,900	77		
	Agency Legal Specialist III	$36,336	77		
	Agency Legal Specialist III	$35,484	77		
	Agency Legal Specialist III	$33,900	77		
	Agency Legal Specialist II	$30,912	75		

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Natural Resources and Community Development					
Administration (Continued)	Agency Legal Specialist I	$28,188	73		
Marine Fishery	Paralegal III (Title:Coastal Management Tech Service Spec I)	$24,792	70	These postions are assigned to the Morehead City office and have specific duties to research land records for evaluation of claims of title to submerged lands under G.S. 113.205.	
	Paralegal II	$21,768	67		
	Paralegal II (Paralegal Trainee)	$21,768	67		
	Agency Legal Specialist I	$28,188	73		

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Office of Admin. Hearings	Chief Admin. Law Judge	$56,820	FR	Position appointed under G.S. 7A-752. Serves as director of the office and presides over contested cases.	
	Admin. Law Judge	$47,976	83	Positions are appointed under G.S. 7A-753 or by the Director of the Office of Administrative Hearings on the basis of their experience and expertise to preside over specific types of contested cases.	
	"	$47,976	83		
	"	$47,976	83		
	"	$47,976	83		
	"	$44,712	83		
	"	$55,224	83		
	"	$45,792	83		
	"	$53,892	83		
	~~Executive Legal Spec.~~ Reclassified to non-legal position: Director of APA Services	~~$44,844~~	~~80~~	~~Responsible for handling the most difficult legal problems in the review of rules by the Administrative Rules Review Commission. This position provides counsel and renders legal opinions in areas of administrative law characterized by highly complex statutes or regulations.~~	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
	~~Agency Legal Spec. III~~ Reclassified to non-legal position: Senior Civil Rights Investigator	~~$39,012~~		~~Assist the Executive Legal Specialist in staffing the Rules Review Commission. Reviews all proposed and existing administrative rules pursuant to G.S. 143B-30.2 and Section 36 of Chapter 1028 of the 1985 Session Laws.~~	
	Paralegal III	$25,344	70	Conducts legal research on complex administrative law issues for the administrative law judges and other legal staff of the Office of Administrative Hearings and provides assistance to agencies, upon request, in preparation of their proposed rules as mandated under G.S. 150B-60 (c).	
	Paralegal II	$29,508	67	Oversees the preparation of all transcripts of contested case hearings as mandated by G.S. 150B-37(b).	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Public Instruction	Agency Legal Specialist I	$29,856	73	Responds to inquiries from parents, school administrators and school board attorneys. Advises staff of laws and court decisions that affect the Department. Works closely with the State Baord of Education and supervises the process for revoking teaching certificates.	The five(5) attorneys and one (1) paralegal in the **Education Section** serve this department, Department of Community Colleges and the University System. The **Tort Claims** Section investigates and settles or defends school bus accident claims statewide and general liability tort claims against state agencies and institutions. There are six (6) attorneys and one (1) paralegal in this section.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Revenue					
Administration	Agency Legal Specialist II	$33,900	77	Legal Counsel to the Property Tax, Field Services and Administrative Divisions. Provides legislative liaison assistance to the Deputy Secretary for Tax Policy. Also performs duties as Executive Secretary of the Tax Review Board.	There are four (4) attorneys in the Revenue Section who provide legal counsel to the Secretary of Revenue and division managers, particularly in the area of State taxes. Other areas of advisement include administrative hearings and appeals, judicial review of administrative decisions, trials at the superior and district court levels, and appeals to the Court of Appeals and Supreme Court.
Field Services	Agency Legal Specialist II	$32,712	75	Legal counsel to the Special Audit Unit of the Field Services Division regarding criminal matters, specifically fraud. (Vacant as of October 13, 1988.)	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Secretary of State					
Corporations Division	Attorney - Corporations Filing	$32,712	75	Legal advisor to Corporation Division and responsible for original review of Articles of Merger; drafting and revising rules and regulations; giving legal opinions to attorneys requesting rulings on the applicability of the corporation and limited partnership laws; represents the Department on drafting committees pertaining to corporation and limited partnership laws; provides legal support and advice to the document examination staff of the Division; and prepares forms which meet the legal requirements of the corporation and limited partnership laws administered by the division.	
Securities Division	Agency Legal Specialist I	$30,576	73	Principal staff counsel to the agency director (Deputy Securities Administrator). Serves as a legal advisor in all regulatory matters; assists in bringing enforcement and regulatory proceedings against sellers and issuers of securities or investment advisors; advises on legal matters that may affect the processing of applications for new brokerage firms, mergers of	

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Secretary of State Securities Division Continued					
				brokerage firms and other entities; negotiates settlements of regulatory matters; assists in policy formulations; drafting and advising as to legislation involving any aspect of securities; advising on the impact of federal laws and regulations; and researches and drafts information involving interpretative decisions.	
	Agency Legal Specialist III	$39,840	77	Principal enforcement attorney for the NC Securities Administrator. Heads the Enforcement Section and represents the Division in all court proceedings. Initiates all administrative proceedings on enforcement matter, i.e. denial or revocation of licenses for brokers, etc. Supervises staff of Securities Investigators. Makes recomemndations on policy or proposes changes in the law to the Deputy Security Administrator.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
Transportation					
Secretary/ Management	Agency Legal Specialist II	$33,900	75	Provides legal research and analysis for special projects; analyses and interprets General Statutes and drafts legislation, as necessary; provides counsel for the department in personnel and related issues.	There are fifteen (15) attorney positions from the Attorney General's Office **Highway Section** on the Department of Transportation payroll. Fourteen (14) positions are full-time and one (1) position is part-time and based on an hourly rate of payment. Additionally two (2) attorneys with the Tort Claims Section, and two (2) attorneys in the Western Office work on transportation and related issues. Additionally, there are three (3) attorneys in the **Motor Vehicles Section** who handle all litigation, except tort claims, involving the Division of Motor Vehicles.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
State Treasurer Office					
State and Local Finance Division	Agency Legal Specialist III	$33,900	77	Provides the administrative legal overview bond orders, purchase contracts, sales documents, lease contracts, lease purchase contracts, etc.	Attorneys in the **Services to State Agencies** Section provide legal counsel to the State Treasurer's Office, particularly the Retirement Systems Division. See page 38. An attorney in **Escheats** provides legal assistance to the Investments Division of the State Treasurer's Office.

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
University System					
UNC-General Administration	Ass't. to President	$82,400		Twelve of the universities have an attorney in an EPA position as a University Attorney or an assistant to the Chancellor. These positions advise in regards to legal issues and draft policies for the institution. The remaining four university campuses receive assistance from legal staff employed by UNC General Administration-Office of the President.	There are two (2) sections in the Attorney General's Office that serve the University System. The **Education Section** has five (5) attorneys and one (1) paralegal that assist the University System as well as, serve the Department of Public Instruction and the Department of Community Colleges.
	Special Asst. to President	$69,800			
	Special Asst. to President	$61,400			
	Special Ass't. to President	$43,370			
Appalachian	University Attorney	$55,000			Additionally, the **Collections Section** assists State-supported colleges, universities, technical institutions, and other state agencies in the collection of delinquent educational loan accounts.
East Carolina	University Attorney	$58,500			
Elizabeth City	Ass't. for Legal Affairs	$51,893			
NC A & T State	Special Ass't. for Legal Affairs	$57,328			

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
University System Continued					
NC Central	Ass't for Legal affairs	$52,250			
NC State	University Counsel	$62,700			
	~~Director of Technical Administration~~	~~$51,804~~			
	~~Director of Planned Giving~~	~~$30,000~~		~~Handles bequests and trusts agreements with donors.~~	
	~~Paralegal I~~ Reclassified to Adm. Assistant	$25,836	65		
Pembroke State	Ass't to Chancellor for Legal Affairs	$41,676			
UNC-Charlotte	University Attorney	$61,655			

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
University System					
UNC-Chapel Hill	Ass't to Chancellor	$77,850			
	~~Agency Legal Specialist II~~	~~$34,368~~	~~77~~	~~EPA positions that works for the Vice-Chancellor of Business and Finance~~	
	~~Legal Advisor to Spec. Ass't to Chancellor~~	~~$38,587~~			
	~~Assoc. Direc. Office of Research Services~~	~~$45,754~~		~~Reviews contracts and grants and administers the patents licensing office.~~	
	~~Ass't to the Dean of Medicine~~	~~$50,450~~			
UNC-Greensboro	Ass't to Chancellor	$50,335			
UNC-Wilmington	Ass't to Chancellor	$41,800			
Western Carolina	Legal Counsel	$53,076			

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
University System				In addition to the legal positions that serve the University campuses, there is separate legal staff employed to address the specific concerns of N. C. Memorial Hospital.	See Human Resources Section on page 50.
	Asst. to Execu. Dir. for Legal Affairs	$62,000	FR	Advises administrative staff on legal issues, physicians and support staff on medical legal issues and patient care, and the Board of Directors on corporate matters. Provides legal counsel and administration of the self-insurance program for professional liability. Writes hospital policy, and medical staff and hospital by-laws. Serves on hospital and medical staff committees. Educates medical staff.	
	Agency Legal Specialist III	$41,700	77	Aids the Assistant to Executive Director for Legal Affairs in meeting legal responsibilities of the hospital.	

DEPARTMENT/ AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
University System	Hospital Risk Manager	$31,620	74	The position is responsible for implementation of the claims and incident reporting system. Investigates and analyzes specific incidents and claims and incident claims' trends. Negotiates the settlement of claims and insurance contracts. Documents information for the defense of claims and lost information for self-insurance funding. Advises hospital and medical staff committees. Handles risk management matters. Provides assessment of general insurance contracts and coverage for the hospital.	
	Paralegal III	$26,124	70	Provides the primary investigation of any patient care problems with potential legal impact. Additionally, manages claims, if they arise, through the self-insurance program. Reports to the Hospital Risk Manager.	
	Clinical Nurse I	$29,856	70T	Responsibilities the same as the Paralegal III position.	

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES	A.G.'S OFFICE
-	-	-	-	-	The **Elections Section** provides legal advice for the State board of Elections and approximately 400 election officials statewide. The section is also responsible for litigation involving the State Board of Elections. There is one (1) attorney in this section.
-	-	-	-	-	The **Real Estate Section** is the responsibility of one (1) attorney who provides legal advice and representation for the Real Estate Commission in accordance with G.S. 93A-3(e).
-	-	-	-	-	To respond to legal concerns in western North Carolina the **Western Office** is staffed with five (5) attorneys: two (2) positions handle issues for the Department of Transportation and the remaining positions address concerns of the Environmental Protection Agency, Commission on Indian Affairs, and the Department of Human Resources.

DEPARTMENT AGENCY	POSITION TITLE	BUDGETED SALARY	GRADE	RESPONSIBILITIES
-	-	-	-	-
-	-	-	-	-

A.G.'S OFFICE

Legal Administration consist of seven (7) attorney positions responsible for administration within the Attorney General's Office.

The two attorney positions in the **Police Law Enforcement Section** provide legal counsel to the N. C. Sheriff's Education and Training Standards Commission, N. C. Criminal Justice Education and Training Standards Commission and provide technical assistance to law enforcement officers, agencies and associations in the State. In the department this section offers legal counsel to the Division of Criminal Information (DCI) of the State Bureau of Investigation.

HOUSING FINANCE AGENCY

As authorized Chapter 122-A of the North Carolina General Statutes, the North Carolina Housing Finance Agency was created to provide financing for residential housing for persons and families of lower and moderate income. In accordance with legislation the Agency has established mortgage programs under which the Agency is authorized to purchase mortgage and construction loans for single family and multi-family residences. Legal representation for the Agency is provided by a private law firm in Raleigh that provides legal counsel to the Board of Directors and advises in real estate matters. Additionally, legal services are provided by a Bond Counsel with a New York law firm that has been appointed by the State Treasurer's Office.

JOB SPECIFICATIONS

(Office of State Personnel)

AGENCY LEGAL SPECIALIST I

This is professional legal work in a State agency with specialization in one or more legal/ programmatic areas or functions such as conducting administrative hearings; preparation of legal documents or correspondence; drafting of rules, regulations, and procedures; or providing consultation to a commission, authority, or committee. Employees may occasionally have assignments related to any programmatic issue or agency activity in which legal issues are involved. Employee usually reports to a higher level professional legal position or a program manager within the agency.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General. Positions in this class may cooperate with the Office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. DIFFICULTY OF WORK:

Variety and Scope - Work assignments are generally related to one or more specialized legal functions, or employee may be assigned to a specialized agency program.

Intricacy - Work requires analysis of legal documents, legislation, rules and regulations. In addition, factual situations or evidence must be evaluated to render a decision consistent with laws, regulations, legal guidelines, or precedents.

Subject Matter Complexity - Employee must have a professional legal knowledge of the laws, rules, regulations, and procedures related to the specific programmatic areas served. In addition, a general understanding of the related programmatic principles and issues is required.

Guidelines - Professional legal guidelines such as laws, rules, regulations, the rules of evidence, and legal precedents are available, but may require judgment and interpretation when applied to specific situations.

II. RESPONSIBILITY:

Nature of Instructions - Assignments may be received with generalized problem statements, goals, or objectives; however, time frames for completing work are generally established. Work is self-planned on a daily basis.

Nature of Review - Work is reviewed after completion by a professional legal supervisor for quality and consistency in the application of legal principles, laws, and regulations to factual situations. If the employee reports to a program administrator, the review will be through the assessment of the impact of the employee's decisions on the administration of the agency program.

Scope of Decisions - Decisions affect the specific programs with which the employee works, the employees, and the clients or segments of the general public served or affected by the regulatory operations of the agency.

Consequence of Decisions - Decisions related to administrative hearings have a direct impact on the agency or appellant with financial consequences to either party running into several thousands of dollars. Legal judgments related to the administration of an agency program vary in consequence from minor to significant; however, legal decisions with major impact on the agency would be referred to higher level legal counsel or the Office of Attorney General.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with professional program administrators, their staffs and the segments of the general public affected by the agency programs with which the employee works. This may include contact with attorneys and their clients if work is related to regulatory programs or administrative appeals.

Nature and Purpose - The primary purpose of the contacts is to gather the required information to render a legal judgment or interpretation, and to explain the decision rendered.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is generally conducted in an office setting or similar environment.

Hazards - Work may involve travel, and employees are subjected to normal driving hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - General knowledge of the principles and practices of administrative law. General knowledge of the laws, rules and regulations applicable to the primary programmatic or administrative area to which the position is assigned. Ability to interpret laws, rules, regulations, and court decisions. Ability to analyze facts,

evidence and legal documents. Ability to express legal interpretations or conclusions of law clearly and logically in oral and written form. Ability to maintain effective working relationships with the public and other persons contacted in the course of work.

Minimum Education and Experience - Graduation from an accredited law school and one year of related professional legal or programmatic experience; or an equivalent combination of education and experience. A Master's Degree in a relevant program area may be substituted for six months of the required experience.

Minimum Education and Experience for Trainee Appointment - Graduation from an accredited law school.

1 NCAC 8G.0402

NC 1402
OSP 6/82

This is professional legal work in a State agency with specialization in a variety of legal/programmatic areas or functions. Examples of work include participation in managerial conferences, assessment of the impact of proposed Federal or State legislation, drafting of legislation, and explanation of proposed legislation to legislative committees. Additional examples of work include determination of compliance with the Administrative Procedures Act, conducting or representing the agency in administrative hearings, drafting or reviewing contracts and providing technical information or support to the Office of Attorney General when formal legal opinions are required, or when formal legal proceedings must be initiated. Employees usually report to an executive legal counsel position or higher level administrative director within the agency.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General. Positions in this class may cooperate with the office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. DIFFICULTY OF WORK:

Variety and Scope - Work assignments include significant involvement in a variety of specialized legal/programmatic functions, and the employee may also have involvement in the legal issues of several agency programs.

Intricacy - Work requires analysis of legal documents, legislation, rules, and regulations. In addition, factual situations or evidence must be evaluated to render a decision consistent with laws, regulations, legal guidelines, or precedents.

Subject Matter Complexity - Employee must have a professional legal knowledge of the laws, rules, regulations, and procedures related to the specific programmatic areas served. In addition, a general understanding of the related programmatic principles and issues is required.

Guidelines - Professional legal guidelines such as laws, rules, regulations, the rules of evidence, and legal precedents are available, but may require judgment and interpretation when applied to specific situations.

II. RESPONSIBILITY

Nature of Instructions - Assignments may be received with generalized problem statements, goals, or objectives; however, time frames for completing work are generally established. Work is self-planned on a daily basis.

Nature of Review - Work is reviewed after completion by a professional legal supervisor for quality and consistency in the application of legal principles, laws, and regulations to factual situations. If the employee reports to an administrative director within the agency, the review will be through the assessment of the impact of the employee's decisions on the administration of agency programs.

Scope of Decisions - Decisions have effect on multiple programmatic areas within the agency, the employees, and the clients or segments of the general public served or affected by the regulatory operations of the agency.

Consequence of Decisions - The employee is frequently consulted by the management of the department on legal programmatic issues with substantial impact to the agency; however, legal decisions of exceptional consequence would generally be referred to the Office of Attorney General.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with professional program administrators, their staffs, and segments of the general public served by the agency. Contacts may include Federal officials, legislators, the Office of the Attorney General, attorneys, and their clients.

Nature and Purpose - The primary purpose is to explain and interpret the legal decisions rendered, and to provide legal guidance to administrators in the programmatic decision-making process.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is generally conducted in an office setting or similar environment.

Hazards - Work may involve travel, and employees are subjected to normal driving hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Considerable knowledge of the principles and practices of administrative law. General knowledge of the laws, rules, and regulations applicable to the programmatic or administrative areas to which the position is assigned. Ability to interpret laws, rules, regulations, and court decisions. Ability to analyze facts, evidence, and legal documents. Ability to express legal interpretations or conclusions of law clearly and logically in oral and written form. Ability to maintain effective working relationships with the public and other persons contacted in the course of work.

Minimum Education and Experience - Graduation from an accredited law school and two years of related professional legal or programmatic experience; or an equivalent combination of education and experience. A Master's Degree in a relevant program area may be substituted for one year of the required experience.

1 NCAC 8G .0402

NC 1403
OSP 5/82

This is professional legal work in a State agency with specialization in a variety of legal/programmatic areas or functions, and indepth or technical programmatic involvement in the management of agency programs. Examples of work include participation in managerial conferences, assessment of the impact of proposed Federal or State legislation, drafting of legislation, and explanation of proposed legislation for Legislative committees. Additional examples of work include determination of compliance with the Administrative Procedures Act, conducting or representing the agency in administrative hearings, drafting or reviewing contracts, and providing technical information or support to the Office of Attorney General when formal legal opinions are required, or when formal legal proceedings must be initiated. Employees usually report to an executive legal counsel position or report directly to a director or deputy director of an agency.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General. Positions in this class may cooperate with the Office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. DIFFICULTY OF WORK:

Variety and Scope - Work assignments include significant involvement in a variety of specialized legal/programmatic functions, and the employee may also have involvement in the legal issues of several agency programs.

Intricacy - Work requires analysis of complex legal issues in conjunction with the assessment of various programmatic alternatives to determine a managerial course of action which is legally acceptable and of maximum benefit to the agency.

Subject Matter Complexity - Employee must have a professional legal knowledge of the laws, rules, regulations, and procedures related to the specific programmatic areas served. In addition, an indepth understanding of a complex or technical agency program is characteristic of this level.

Guidelines - Professional legal guidelines such as laws, rules, regulations, the rules of evidence, and legal precedents are available, but may require judgment when applied to specific situations. A variety of programmatic guidelines is usually available, but require considerable judgment and interpretation in order to fully assess the factual situation for which legal analysis is required.

II. RESPONSIBILITY:

Nature of Instructions - Assignments may be received with generalized problem statements, goals, or objectives; however, time frames for completing work are generally established.

Nature of Review - Work is reviewed after completion by an executive legal supervisor for quality and consistency in the application of legal principles, laws, and regulations to factual situations. If the employee reports to an administrative director or agency head, the review will be through the assessment of the impact of the employee's decisions on the administration of agency programs.

Scope of Decisions - Decisions have effect on multiple programmatic areas within the agency, the employees, and the clients or segments of the general public served or affected by the regulatory operations of the agency.

Consequence of Decisions - Employees at this level may be responsible for case preparation or the hearing of technical regulatory proceedings, the results of which may impact on the health, welfare, or safety of the general public. In all positions at this level, decisions are made integrally with higher level management and significant financial costs or potential impairment of the success of agency operations is a possibility.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with professional program administrators, their staffs, and segments of the general public served by the agency. Contacts may include Federal officials, legislators, the Office of the Attorney General, attorneys, and their clients.

Nature of Purpose - The primary purpose is to explain and interpret the legal decisions rendered, and to provide legal guidance to administrators in the programmatic decision- making process. Employees may be expected to negotiate with adversary legal counsel satisfactory administrative remedies to avoid or end litigation. Work also involves participating jointly in the managerial decision-making process with responsibility for justifying the proposed course of action.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is generally conducted in an office setting or similar environment.

Hazards - Work may involve travel, and employees are subjected to normal driving hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Considerable knowledge of the principles and practices of administrative law. Considerable knowledge of the laws, rules, and regulations applicable to the programmatic or administrative areas to which the position is assigned. Considerable knowledge of the programmatic principles and/or technical concepts, procedures and terminologies related to the area to which the position is assigned. Ability to interpret laws, rules, regulations and court decisions. Ability to analyze facts, evidence, and legal documents. Ability to express legal interpretations or conclusions of law clearly and logically in oral and written form. Ability to maintain effective working relationships with the public and other persons contacted in the course of work.

Minimum Education and Experience - Graduation from an accredited law school and three years of related professional legal or programmatic experience; or an equivalent combination of education and experience. A Master's Degree in a relevant area may be substituted for one year of the required experience.

1NCAC 8G .0402

NC 1404
OSP 6/82

ENVIRONMENTAL INVESTIGATIVE SPECIALIST

DESCRIPTION OF WORK

This is specialized investigative work in the Department of Justice relating to the North Carolina environmental laws and regulations.

Employee conducts detailed investigations and research in a variety of suspected and alleged violations of State environmental statutes involving water, air, and sedimentation pollution, mine and dam safety, and coastal and estuarine management. Duties involve considerable contact with officials of Natural Resources and Community Development and other departments administering environmental laws and regulations and with law enforcement agencies when related criminal violations have occurred. Work also includes conducting research for the Environmental Protection Section staff on specific environmental law questions. Work assignments are received from and reviewed by the supervisor of the Environmental Protection Section of the Attorney General's office.

EXAMPLES OF DUTIES PERFORMED

Participates with environmental regulatory personnel in conducting on-site inspections of violations and collecting evidence to show these violations.

Conducts investigations of environmental violations as requested by State, federal, or local agencies; submits a report of findings to the submitting jurisdiction and the Environmental Protection Section.

Works with departmental staff to assemble technical information needed by Department of Justice attorneys for legal actions on environmental cases; assists the attorney in analyzing this technical data.

Investigates public complaints submitted to the Department of Justice and works with the appropriate State agency to seek resolution of these complaints.

Participates with regulatory staff and with companies and individuals in violation of environmental laws to provide compliance and/or remedies without litigation when this is an acceptable alternative.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Working knowledge of State and federal environmental laws and regulations.

Working knowledge of legal and technical environmental investigative and research procedures.

Ability to plan and conduct field investigations of environmental violations, individually or in coordination with other agency personnel.

Ability to assembly technical data and investigative findings into clear, concise, and valid reports.

Ability to work effectively with the attorneys, technical personnel, law enforcement representatives, and the public.

Minimum Education and Experience

Graduation from a four-year college or university with a major in the environmental sciences or related field and three years of experience in environmental investigation, regulation, or research work; or an equivalent combination of education and experience.

1 NCAC 8G .0402

NC 1407
OSP 3/79

DESCRIPTION OF WORK

This is legal work at the first level of professional proficiency in the Attorney General's Office or as staff attorney for a department of State Government.

Employees are independently assigned to commissions or areas of law characterized by limited scope or complexity; or may be assigned to higher level attorneys and have delegated responsibility for specific aspects of casework. Work involves drafting, reviewing, and approving for form and legality various legal instruments, preparing routine opinions on regulations, procedures, and operations of a unit or agency, and handling complaints and inquiries of a legal nature from the general public. Employees may also review, prepare, and argue the more routine criminal appeal cases before the North Carolina Court of Appeals. Work is performed under the general supervision of a higher level attorney and is reviewed through inspection, conferences, reports, and results of work.

EXAMPLES OF DUTIES PERFORMED

Conducts investigations of limited scope to obtain facts, studies legal precedents, and prepares recommendations for review of a superior.

Prepares necessary legal papers for filing by drafting complaints, orders to show cause, indictment, preliminary motion, and supporting affidavits, and briefs.

Compiles legislative history and legal issues in connection with pending legislation.

Conducts technical research into laws, court decisions, and expert opinions relating to the problems encountered.

Reviews contractors' claims to determine validity; prepares necessary pleadings and other documents if claim cannot be settled short of litigation.

Resolves complaints and inquiries received from public relating to insurance; advises and assists public in legal principles, rights, and liabilities of insurers, policy holders, and claimants.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

General knowledge of cases, statutory, and common law.

General knowledge of judicial and quasi-judicial procedures.

Ability to perform legal research in accordance with initial guidance as to methods of approach, source material available, and policy and precedent of the office.

Ability to understand and interpret constitutional provisions, statutes, administrative regulations, and precedents.

Ability to analyze facts, evidence, and legal instruments.

Ability to express conclusions and arguments clearly and logically in oral and written form.

Ability to maintain effective working relationships with the public and other persons contacted in course of work.

Minimum Education and Experience

Graduation from a recognized law school and two years of experience in the practice of law.

Minimum Education and Experience for Associate Appointment

Graduation from a recognized law school.

Necessary Special Qualification

License to practice law in the State of North Carolina.

1 NCAC 8G .0402

NC 1411
OSP Rev. 10/77

DESCRIPTION OF WORK

This is advanced professional legal work in the office of Attorney General, or as a staff attorney for a department of State Government.

Employees in this class perform a full range of legal services and are assigned to all but the most technically complex cases and opinions, and can independently conduct courtroom litigation except where the nature or impact of the case requires high level courtroom expertise or experience. Employee may be assigned independently to a legal area of moderate complexity or in highly complex legal areas may be assigned to a staff of attorneys with responsibility for lesser complex cases and opinions. Work is performed under the general supervision of a section supervisor over a staff of attorneys assigned to an agency or specific area of legal specialization.

EXAMPLES OF DUTIES PERFORMED

Conducts litigation involving moderate to large sums of money or difficult legal and factual questions of important economic, social, or political interest before the trial and appellate courts, both State and Federal.

Prepares necessary legal documents and advisory opinions for administrative personnel, drafts comments on proposed legislation or changes in regulations or recommendations on the advisability of instituting a civil or criminal suit, an administrative hearing or other disposition.

Assists in drafting proposed legislation to be sponsored by a department; aids in formulating departmental rules and regulations.

Advises administrative officials on policy questions and operating problems having legal complications.

Codifies and recompiles general statutes in accordance with general laws enacted by General Assembly.

Conducts negotiations with claimants and other interested persons concerning personal or property damage; approves settlement when terms conform to departmental policies and the award does not exceed specified amounts, and drafts and executes the agreement.

Advises prison officials on the proper interpretation and application of complicated sentences; prepares extradition requests to other states.

Conducts negotiations with taxpayers and their representatives for recovery of delinquent taxes, fees, and penalties and approves compromise settlements.

Conducts hearings involving employee's status and tax liability, labor disputes, mass lay-offs, and appeals of claimants or employers in unemployment insurance benefits.

Drafts and executes agreements which specify the terms under which county and municipal governments will participate in financing highway construction within their boundaries.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Considerable knowledge of general case, statutory, and common law.

Considerable knowledge of judicial and quasi-judicial procedures.

Ability to independently conduct courtroom litigation.

Ability to interpret and apply laws and court decisions.

Ability to analyze facts, evidence, and legal instruments.

Ability to express conclusions and arguments clearly and logically in oral and written form.

Ability to maintain effective working relationships with the public and other persons contacted in the course of work.

Minimum Education and Experience

Graduation from a recognized law school and three years' experience in the practice of law.

Necessary Special Qualification

License to practice law in the State of North Carolina.

1 NCAC 8G .0402 NC 1412
OSP Rev. 10/77

DESCRIPTION OF WORK

Employees in this class are assigned to the most difficult legal problems and cases and independently conduct litigation of major consequence in any court of law.

Work involves case preparation, providing counsel or rendering legal opinions in areas of law characterized by highly complex statutes or regulations, absence of defined precedent, or complex constitutional issues. Employees are assigned to courtroom litigation involving very large sums of money, major criminal actions, sensitive civil rights cases, or regulatory cases of major impact to the State. Work frequently involves supervision of lower level attorneys on specifically assigned cases and may include full supervisory responsibility for a staff of lower level attorneys assigned to a moderately complex area of law. Work is generally performed with minimal technical assistance under the administrative supervision of a higher level attorney supervisor or the top level management of an agency.

EXAMPLE OF DUTIES PERFORMED

Resolves legal problems of unusual importance and complexity on a continuous basis.

Supervises specialized professional personnel such as investigators and adjusters.

Advises administrative officials on policy questions and operating problems having complex legal implications and drafts opinion letters to assure proper interpretation and application of the statute involved.

Tries complex and difficult cases involving extensive sums, far-reaching legal problems, or possibly establishing legal precedents for future observance by departments.

Plans, directs, and reviews work of a legal unit engaged in carrying out the regulatory legal activities of an agency.

Plans, directs, and reviews work of legal units involved in assisting and advising department officials on operational problems that develop which have legal implications and require legal interpretations and opinions.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Thorough knowledge of general case, statutory, and common law.

Thorough knowledge of judicial and quasi-judicial procedures.

Considerable expertise in the conduct of courtroom litigation.

Ability to interpret and apply laws in court decisions.

Ability to analyze facts, evidence, and legal instruments.

Ability to express conclusions and arguments clearly and logically, in oral and written form.

Ability to maintain effective working relationships with the public and other persons contacted within the course of work.

Minimum Education and Experience

Graduation from a recognized law school and four years of experience in the practice of law, including at least two years of experience with direct responsibility for conducting courtroom litigation.

Necessary Special Qualification

License to practice law in the State of North Carolina.

1 NCAC 8G .0402

NC 1415
OSP REV. 12/79

DESCRIPTION OF WORK

This is advanced professional legal work of the highest degree of legal complexity with administrative responsibility for supervising a section of subordinate attorneys assigned to a State agency or to a specific area of legal specialization.

Employee is responsible for all legal services rendered by the section including legal opinions and litigation conducted by the staff. Work includes coordinating and directing all administrative activities within the section such as setting priorities, making work assignments, and monitoring work progress. Employee may personally write legal opinions of significant consequence to the State or become directly involved in the conduct of litigation of major impact to the State. Work is performed with considerable independence under a supervisor of a division of the Office of Attorney General or under the supervision of an agency director.

EXAMPLES OF DUTIES PERFORMED

Assigns subordinate attorneys to cases and points of law which must be researched for the purposes of rendering legal opinions.

Supervises time utilization of subordinate staff including adherence to deadlines, timeliness and quality of case preparation, and administration of annual leave.

Acts as senior technical advisor to subordinate staff on points of law within the area of legal specialization of the section.

Resolves unusual, precedent-setting situations, or legal problems of major impact by discussion with the Legal Division supervisor or the agency director.

Participates with subordinate attorneys in cases of significant legal impact, including conduct of courtroom litigations on a periodic basis.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Thorough knowledge of general case, statutory, and common law.

Thorough knowledge of judicial, and quasi-judicial procedures.

Considerable knowledge of the principles of personnel management.

Considerable knowledge of the principles of government and government administration.

Ability to conduct criminal and civil litigation in all courts of law.

Ability to analyze complex legal problems and render formal legal opinions.

Ability to maintain effective working relationships with the general public and top level agency administrators.

Minimum Education and Experience

Graduation from a recognized school of law and five years of progressively responsible experience in professional legal work; including at least two years of experience with direct responsibility for conducting courtroom litigation.

Necessary Special Qualification

License to practice law in the State of North Carolina.

1 NCAC 8G .0402

NC 1417
OSP 10/77

DESCRIPTION OF WORK

This is advance professional legal work of the highest degree of legal complexity with administrative responsibility for supervising a division of subordinate attorneys and specialized or technical personnel assigned to a variety of State agencies or to specific areas of legal specialization.

Employee is responsible for all legal services rendered by the division including legal opinions and litigation conducted by the staff. Work includes coordinating and directing all administrative and legal activities within the division through a staff of subordinate attorneys assigned to a specialized section. Employee may personally render legal opinions where the impact of the opinion is of major significance to the State or agency thereof, or where the opinion sets major precedence. Work is performed with considerable independence under the general supervision of the Attorney General.

EXAMPLES OF DUTIES PERFORMED

Reviews with section supervisors and makes final decision on all points of law with considerable impact on the State or the Office of Attorney General.

Assigns attorneys among sections within the division to meet changes in legal demands and work volume.

Reports directly to the Attorney General on progress of all court cases, opinions rendered, and legal activities currently undertaken within the Division.

Resolves legal problems which cross several agencies or areas of law.

Provides direct counsel to the Attorney General concerning any legal point related to the legal areas or agencies assigned to the Division.

Meets with legislators, high level members of the executive branch, agency directors, high level law enforcement officials, the general public, and the press, for the purpose of explaining the legal position of the Office of Attorney General.

Participates in high level management team responsible for hiring all new attorneys, and within the Division provides the Attorney General with recommendations for merit increments.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Thorough knowledge of general case, statutory, and common law.

Thorough knowledge of judicial, quasi-judicial procedures.

Thorough knowledge of the principles of government and governmental administration.

Considerable knowledge of the principles of administration and personnel management.

Ability to conduct criminal and civil litigation in all courts of law.

Ability to analyze complex legal problems and render formal legal opinions.

Ability to maintain effective working relationships with the general public, high level agency administrators, and the executive and legislative branches.

Minimum Education and Experience

Graduation from a recognized school of law and six years of progressively responsible experience in professional legal work, including at least two years of experience with direct responsibility for conducting courtroom litigation.

Necessary Special Qualification

License to practice law in the State of North Carolina.

1 NCAC 8G .0402

NC 1417
OSP 10/77

This is paralegal work performed under the general supervision of an attorney in the Attorney General's office, a staff attorney for a department of State Government, or an agency legal specialist.

Employees are responsible for a variety of assignments which may include but not be limited to drafting, reviewing, and approving for form and legality various legal instruments; preparing routine opinions on regulations, procedures, and operations of a unit or agency, for an attorney's approval; handling complaints and inquiries of a legal nature from the general public, and administratively maintaining a law office. Work involves research into laws and legal precedents. Employees may present findings with preliminary legal analysis subject to professional legal review. Work is reviewed through inspection, conferences, reports, and review of completed work.

I. DIFFICULTY OF WORK:

Variety and Scope - Employee has a variety of paralegal assignments, many of which are performed on a regular basis.

Intricacy - Assignments are generally specific with the desired goals, objectives, and timeframes given; however, some analysis is required for most assignments.

Subject Matter Complexity - Employee must have a full understanding of the paralegal function.

Guidelines - The North Carolina General Statutes, and agency rules and regulations are consulted regularly. Procedures, precedents, or model legal documents are available for most work assignments, but generally require some interpretation or modification.

II. RESPONSIBILITY:

Nature of Instructions - Employee is generally given specific instructions on the goal of each assignment. Professional legal supervision is available for new or unusual situations.

Nature of Review - The work is generally reviewed upon completion by the qualitative assessment of a legal professional. Items of a sensitive legal matter or with potential negative impact to the agency are often reviewed in progress.

Scope of Decisions - The work has a direct effect on the professional legal decisions and documents produced by the legal office in which the employee works.

Consequence of Decisions - Decisions have potential for causing some administrative delay or cost to agency operations. Most decisions which have the potential for causing significant negative consequence to individuals or organizations are closely reviewed.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Most contacts are with individuals in the legal office, program managers, or outside legal counsel who have involvement in legal issues or litigation related to agency operations.

Nature and Purpose - The primary purpose of contacts is to receive the necessary information to prepare legal documents, to gather information relevant to issues or litigation, and to summarize actions taken or decisions made.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a general office environment.

Hazards - There is no exposure to hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Working knowledge of case, statutory, and common law. Working knowledge of judicial and quasi-judicial procedures and the rules of evidence. Ability to perform legal research in accordance with preliminary instructions as to methods or approach, source material available, and policy and precedent of the office. Ability to summarize facts and evidence, and prepare legal instruments. Ability to communicate clearly and logically in oral and written form. Ability to maintain effective working relationships with persons contacted in the course of work.

Minimum Education and Experience - Graduation from a certified school for paralegal training and one year of experience as a paralegal.

Minimum Education and Experience for a Trainee Appointment - Graduation from a certified school for paralegal training.

1 NCAC 8G .0402

NC 1422
OSP 6/82

This is specialized paralegal work within a complex program area or specialty field, usually in support of the activities of a professional legal position or staff.

Employees in this class perform a variety of paralegal functions including drafting complex legal documents and contracts, researching complex issues without specific precedence, and interfacing on a front end basis with clients, staff, and attorneys for the purpose of screening calls and/or summarizing communications between outside parties and the legal staff. If involved in litigation, the employee may participate in data gathering and preparation of exhibits, documents, and affidavits. The employee may also be responsible for the scheduling of witnesses, and the organization of supporting documents, exhibits, and evidence. Employees in this class are given considerable latitude in decision making and decisions frequently must be made in which the consequence of error could have significant impact on the legal office, the agency, the agency's clients, or segments of the general public served by the agency. Work is complex and requires specific training in the specialty field or program area to which the employee is assigned; however, work assignments are not as varied and non-recurring as those found at the Paralegal III level.

I. DIFFICULTY OF WORK:

Variety and Scope - Employee has a variety of recurring and non-recurring paralegal assignments, but work is specialized in one primary programmatic area of function.

Intricacy - Assignments are often repetitive or performed more than once; however, each assignment may have different legal variables or a unique factual situation which must be considered before a final decision can be reached.

Subject Matter Complexity - Employee must have a complete understanding of the purposes and objectives of the program or specialty area in which the employee concentrates, combined with a full understanding of the paralegal function.

Guidelines - The North Carolina General Statutes, and agency rules and regulations are consulted regularly. Procedures, precedents, and model legal documents are available, but considerable interpretation or modification may be necessary.

II. RESPONSIBILITY:

Nature of Instructions - Employee receives general instructions on most assignments with primary goals and objectives stated. If complex legal issues arise, or if situations are identified in which there is potential or negative impact to the agency, the paralegal would seek advice and guidance from the professional legal supervisor.

Nature of Review - Work is carried out with considerable independence. Work may be reviewed upon completion, or in some cases released from the office without review.

Scope of Decisions - The work has a direct effect on the professional legal decisions or documents produced by the legal office or associated with the program or specialty area with which the employee works. Decisions may have significant impact on the segments of the general public affected by agency operations.

Consequence of Decisions - Decisions have potential for causing significant administrative delay or cost to agency operations. Employees at this level may have assignments related to litigation for which improper and incomplete preparation would have a significant impact to any parties involved.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Primary contacts are with individuals in the legal office and program managers or outside legal counsel who have involvement in legal issues or litigation related to agency operations. Additionally, there may be significant contacts with the general public or clients of the agency.

Nature and Purpose - The primary purpose of contacts is to receive the necessary information to prepare legal documents, to gather information relevant to issues or litigation, and to interpret legal writings or documents, assess factual situations, and explain actions taken or decisions made.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a general office environment.

Hazards - There is no exposure to hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Working knowledge of case, statutory, and common law. Working knowledge of judicial and quasi-judicial procedures and the rules of evidence. General knowledge of the program area or legal specialty to which the employee will be assigned. ability to perform legal research in accordance with preliminary instructions as to methods or approach, source material available, and policy and precedent of the office. Ability to summarize facts and evidence, and prepare legal instruments. Ability to communicate clearly and logically in oral and written form. Ability to maintain effective working relationships with persons contacted in the course of work.

Minimum Education and Experience - Graduation from a certified school for paralegal training and two years of experience as paralegal, preferably with an educational concentration or experience in the specialty field or program area related to the job design; or an equivalent combination of education and experience.

1 NCAC 8G .0402

NC 1423
OSP 6/82

This is specialized paralegal work in a variety of complex, program areas or specialty fields usually in support of the activities of a professional legal position or staff.

Employees in this class perform a wide variety of paralegal functions including drafting complex legal documents and contracts, conducting legal research into complex issues without specific precedence, and acting as a front-end interface with clients, staff, and attorneys for the purposes of screening calls and/or summarizing communications between outside parties and the legal staff. The employee usually has considerable involvement in complex litigation including participation in data gathering and preparation of exhibits, documents, and affidavits. The employee may also be responsible for the scheduling of witnesses, and the organization of supporting documents, exhibits, and evidence. Employees in this class are given considerable latitude in decision making and decisions frequently must be made in which the consequence of error could have significant impact on the legal office, the agency, its clients, or the segments of the public served by the agency. Work is performed with considerable independence, and in many cases the employee is expected to determine when assistance is required of the professional legal staff.

I. DIFFICULTY OF WORK:

Variety and Scope - Employee has a variety of recurring and non-recurring assignments involving many legal matters in several programs or the agency as a whole.

Intricacy - Assignments are typically non-recurring with different legal issues and complex factual situations which require considerable analysis to reach a final judgment. Assignments of a more frequent or recurring nature often have specialized situations or conditions which require individual consideration.

Subject Matter Complexity - Employee must have a complete understanding of the various program purposes and objectives, the administrative procedures under which the programs operate, and a full understanding of the paralegal function.

Guidelines - The North Carolina General statutes, and agency rules and regulations are consulted regularly. Procedures, precedents, and model legal documents are available, but considerable interpretation may be necessary.

II. RESPONSIBILITY:

Nature of Instructions - Employee receives general instructions on most assignments with primary goals and objectives stated. If complex legal issues arise, or if situations are identified in which there is potential or negative impact to the agency, the paralegal would seek advice and guidance from the professional legal supervisor.

Nature of Review - Work is carried out with considerable independence. Work may be reviewed upon completion, or in some cases released from the office without review.

Scope of Decisions - Decisions often have a significant impact on agency programs, employees, the general public, and the litigation in which the agency is involved.

Consequence of Decisions - Decisions have potential for causing considerable administrative delay in agency operations and substantial resources or money can be inefficiently utilized if poor decisions are made. At this level the professional legal staff places strong reliance upon support work performed by the paralegal and there is the possibility, through improper or incomplete preparation for litigation, of substantial impact to any parties involved in the litigation.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Contacts are quite varied and may include individuals in the legal office, external legal counsel, program managers, insurance company officials, witnesses, departmental employees, and the general public.

Nature and Purpose - The primary purpose of contacts is to receive the necessary information to prepare legal documents, to gather information relevant to issues or litigation, and to interpret legal writings or documents, assess factual situations, and explain actions taken or decisions made.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a general office environment.

Hazards - There is no exposure to hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Working knowledge of case, statutory, and common law. Working knowledge of judicial and quasi-judicial procedures and the rules of evidence. General knowledge of the program areas or legal specialties to which the employee will be assigned. Ability to perform legal research in accordance with preliminary instructions as to methods or approach, source material available, and policy and precedent of the office. Ability to summarize facts and evidence, and prepare legal instruments. Ability to communicate clearly and logically in oral and written form. Ability to maintain effective working relationships with persons contacted in the course of work.

Minimum Education and Experience - Graduation from a certified school for paralegal training and three years of experience as a paralegal, preferably with an educational concentration or experience in the specialty fields or program areas related to the job design; or an equivalent combination of education and experience.

1 NCAC 8G .0402

NC 1424
OSP 6/82

EXECUTIVE LEGAL SPECIALIST - BANKING

This is professional legal work as the principal staff counsel to the Commissioner of Banks and the State Banking Commission. The employee serves as a legal advisor in all regulatory matters including responding to legal questions from bank examiners, assisting the Commissioner of Banks in bringing statutory proceedings against banks, processing applications for new bank formations or mergers, drafting legislation, advising the Commissioner on the impact of Federal laws and regulations, and responding to the general public concerning allegations against banks that involve possible violations of the banking laws. The employee reports directly to the Commissioner of Banks.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General. Positions in this class may cooperate with the Office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. DIFFICULTY OF WORK:

Variety and Scope - The work is specialized in matters relating to the regulation of banks; however, there is a wide variety of situations encountered which require legal judgment.

Intricacy - The State and Federal banking laws, rules and regulations are extensive and complex. In addition, considerable analysis is required to understand factual situations many of which are related to complex financial operations.

Subject Matter Complexity - Work requires an indepth understanding of State and Federal banking laws, rules and regulations, combined with a full understanding of the financial operations of the banking industry.

Guidelines - Extensive guidelines are available generally relating to the laws, rules, and regulations affecting the banking industry; however, considerable analysis is required to determine the proper interpretation that must be applied to any specific factual situation.

II. RESPONSIBILITY:

Nature of Instructions - Assignments are received with generalized problem statements, goals, or objectives given. Time frames for completion of work are generally established.

Nature of Review - Work is reviewed by the Commissioner of Banks through a qualitative assessment of the impact of the employee's decisions on the administration of the agency.

Scope of Decisions - Decisions have a direct effect on the operations of the Banking Commission, the operations of State chartered banks, and the public served by those banks.

Consequence of Decisions - Decisions have a significant impact on the operations of State chartered banks through interpretation of regulations to determine what banking operations are permitted by law. In cases where severe violations of regulations are found, or in which the financial standing of a bank is of serious concern, the employee will be integrally involved in providing a corrective action which can involve closure.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with the Banking Commission and support staff, the Legislature, Federal regulatory agencies, banks and their legal counsel, and the general public.

Nature and Purpose - The primary purpose is to explain and interpret banking laws, rules, and regulations, and to provide legal guidance to the Banking Commission and support staff in the administration of the banking laws. In sensitive regulatory matters the employee will be integrally involved in any legal negotiations required with a regulated bank to assure compliance with the banking laws.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is generally conducted in an office setting or similar environment.

Hazards - Work may involve travel, and employees are subjected to normal driving hazards.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Thorough knowledge of the principles and practices of administrative law. Considerable knowledge of the laws, rules, and regulations applicable to the banking industry. Ability to interpret financial laws, rules, and regulations with respect to the complex financial and administrative operations of banks. Ability to deal effectively with banking staffs, their legal counsel, legislators, the Banking Commissioners and support staff, and the general public.

Minimum Education and Experience - Graduation from an accredited school of law (preferably with a license to practice law in North Carolina), and three years of professional legal experience including at least one year in the banking industry or in the regulation of financial institutions, or four years of general legal experience; or an equivalent combination of education and experience. Note: A Master's Degree in Business Administration may be substituted for the year of experience related to the banking industry or financial institutions.

1 NCAC 8G .0402

NC 1425
OSP 6/82

EXECUTIVE LEGAL SPECIALIST - AGRICULTURE

This is professional legal work as the principal staff counsel in the Department of Agriculture. The employee serves as legal advisor to the Commissioner, Deputy and Assistant Commissioners, and division heads. Work includes drafting departmental legislation, explaining the department's viewpoint on proposed legislation to the Legislature, and advising the Commissioner on the impact of new or proposed Federal legislation. As internal legal counsel the work also includes providing professional legal analysis in the formulation of departmental policies, advising division directors on regulatory matters, chairing hearings, reviewing contracts, resolving legal issues in which departmental employees are involved, and providing legal assistance to businesses and the general public concerning departmental programs. The employee reports to an Assistant commissioner, but is involved in all executive level meetings in which legal issues are a factor.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General . Positions in this class may cooperate with the Office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. DIFFICULTY OF WORK:

Variety of Work - The work is characterized by a wide variety of duties which can include involvement in any legal matter related to the operations of the Department.

Intricacy - The State and Federal laws, rules, and regulations relating to the Department are extensive and complex. In addition legal analysis must be combined with an understanding of agricultural programs in order to reach many decisions.

Subject Matter Complexity - Work requires an indepth understanding of State and Federal agricultural laws, rules, and regulations, combined with a general understanding of the field of agriculture.

Guidelines - Extensive guidelines are available generally relating to the laws, rules, and regulations affecting the field of agriculture; however, considerable analysis is required to determine the proper interpretation that must be applied to any specific factual situation.

II. RESPONSIBILITY:

Nature of Instructions - Assignments are received with generalized problem statements, goals, or objectives given. Time frames for completion of work are generally established.

Nature of Review - Work is reviewed by an Assistant Commissioner of Agriculture through a qualitative assessment of the impact of the employee's decisions on the administration of the agency.

Scope of Decisions - Decisions have a direct effect on the operations of the department and businesses engaged in or related to agricultural production, with an indirect effect on the consuming public.

Consequence of Decisions - Legal interpretations or decisions as a hearings officer have a significant impact on the operations of the Department and businesses engaged in or related to agricultural production. Involvement in policy and programmatic decision making may produce a less apparent, but nevertheless, significant impact on departmental operations.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with the management and staff of the Department, the Legislature, the Federal Department of Agriculture, agricultural businesses and their legal counsel, and the general public.

Nature and Purpose - The primary purpose is to explain and interpret agricultural laws, rules, and regulations; to adjudicate administrative appeals, and to provide legal guidance to the management of the Department in the policy and programmatic decision making process.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is generally conducted in an office setting or similar environment.

Hazards - Work may involve some travel with normal exposure to the hazards of driving. There may be some exposure to potentially dangerous agricultural equipment or pesticides, but risk is very minimal in the normal conduct of duties.

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Thorough knowledge of the principles and practices of administrative law. Considerable knowledge of the laws, rules, and regulations applicable to the field of agriculture. General knowledge of the fields of agriculture and agricultural economics. Ability to interpret agricultural laws, rules, and regulations with respect to specific agricultural operations and practices. Ability to deal effectively with management and the staff of the Department, legislators, agricultural businessmen and their legal counsel, and the general public.

Minimum Education and Experience - Graduation from an accredited school of law (preferably with a license to practice law in North Carolina), and three years of professional legal experience including at least one year directly related to the field of agriculture, or four years of general legal experience; or an equivalent combination of education and experience.

Note: A Master's Degree in agricultural science, or agricultural economics may be substituted for the year of related experience.

1 NCAC 8G .0402

NC 1426
OSP 6/82

EXECUTIVE LEGAL SPECIALIST - NRCD

This is professional legal and managerial work in directing the Office of Legal Affairs in the Department of Natural Resources and Community Development. Employee is responsible for planning, organizing, and directing all legal/enforcement activities for the Department. Work includes the responsibility for developing a legal services program covering air and water quality, dam safety, mining, water use, well construction, and any other statutory area under the Department's jurisdiction. Work also includes interface with Federal regulatory agencies, and the State Legislature concerning new or proposed laws, rules, and regulations. Work is performed under the general direction of the Deputy Director with the employee involved directly with all levels of management on issues having a legal/environmental impact.

NOTE: Representation of the State, State agencies, or employees in a court of law, and the issuance of formal legal opinions are responsibilities of attorneys in the Office of Attorney General. Positions in this class may cooperate with the Office of Attorney General in these efforts, but have no authority to act as formal legal counsel for the State.

I. SUPERVISORY/MANAGERIAL FUNCTIONS:

Planning - Employee plans for organizational structure and support requirements to meet changing trends in environmental regulation. Work includes setting priorities and deadlines over a period of several months into the future for administrative appeals, or legal/administrative assignments currently pending.

Organizing and Directing - Work assignments are issued so that the proper balance in the work load of the legal staff can be maintained. Employee may assist in the work load by becoming directly involved in the activities of a controversial or highly technical case.

Budgeting - Employee develops the budget for the office and justifies requests to higher level administrators. Once approved, the budget is monitored according to established procedures.

Training - Employee provides for in-house training, workshops, and courses for subordinate personnel as required. Training is provided by subordinate staff for regional office personnel in the legal aspects of enforcement programs.

Setting Work Standards - Employee discusses with subordinates the qualitative standards, legal formats, and time frames expected in the process of preparing for and conducting administrative hearings.

Reviewing Work - The work of subordinates is reviewed through conferences, in which the employee qualitatively reviews legal and programmatic judgments in consideration of the time and resource applied to reach them.

Counseling and Disciplining - Employee assures adherence to agency and state grievance and appeals procedures; minor problems and complaints are resolved via individual conferences. Formal actions are referred to management and the departmental personnel office.

Performing Other Personnel Functions - Employee interviews applicants and makes recommendations on hiring, salary increases, and promotions, subject to departmental review.

II. SCOPE AND NATURE OF WORK SUPERVISED:

Dynamics of Work Supervised - Employee supervises the technical and legal activities focusing upon environmental issues; such issues are in a constant state of change or modification with new issues, and new laws, rules and regulations occurring frequently.

Variety of Work Supervised - Employee supervises a professional legal office; however, a strong working knowledge of environmental programs and environmental engineering must be combined with the legal skills in order to reach many decisions.

Number of Employees Responsible For - The employee supervises four professional legal and two clerical support positions.

III. EXTENT OF SUPERVISION RECEIVED: Employee is given considerable independence with respect to all legal decisions. Employee confers with higher level administrator on policy questions and enforcement issues of major impact, or when complex technical issues are involved.

IV. SPECIAL ADDITIONAL CONSIDERATIONS: N/A

V. RECRUITMENT STANDARDS:

Knowledges, Skills, and Abilities - Thorough knowledge of the principles and practices of administrative law. Considerable knowledge of the laws, rules, and regulations applicable to the field of environmental management. General knowledge of environmental economics. Ability to interpret environmental laws, rules, and regulations with respect to specific industrial or business operations and practices. Ability to deal effectively with management and the staff of the Department, legislators, industries or business firms and their legal counsel, and the general public.

Minimum Education and Experience - Graduation from an accredited school of law (preferably with a license to practice law in North Carolina), and three years of professional legal experience including at least one year related to environmental management, or four years of general legal experience; or an equivalent combination of education and experience. NOTE: A Master's Degree in Environmental Engineering or Environmental Management may be substituted for the year of related experience.

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NC 1427
OSP 6/82

DESCRIPTION OF WORK

This is quasi-legal work in the Employment Security Commission conducting hearings of unemployment insurance claims appealed by claimants and employers.

Employees preside over the hearing in a judicial capacity, ensure that testimony and evidence are taken through correct procedures, and render a judgment that sustains, reverses, or modifies the original decision rendered by a claims adjudicator. Decisions at this level, since this is the only formal evidentiary hearing, are subject to appeal on procedural grounds to the Commission or Superior Court. Employees also hear disputes involving unemployment claims resulting from organized labor disputes and may also hear cases in which a firm contests the tax liability determined by the Commission. Work is supervised by an attorney of the professional legal staff, and is reviewed on the basis of the correctness of decision rendered and the procedural conduct of hearings.

EXAMPLES OF DUTIES PERFORMED

Conducts hearings resulting from appeals by claimants or employers involving eligibility for unemployment insurance benefits; hears testimony under oath, analyzes facts, and renders decisions.

Contacts claimants, employers, and the general public in order to secure information relating to cases being heard.

Ensures proper documentation of all hearings including formal statements of the conclusions rendered.

Performs related duties as required.

RECRUITMENT STANDARDS

Knowledges, Skills, and Abilities

Thorough knowledge of the Employment Security Law as expressed in statute, and interpretation by the courts and the U.S. Department of Labor.

Considerable knowledge of wage and employment practices common to industry within the State.

Skill in conducting quasi-legal unemployment benefit determination hearings.

Ability to prepare written reports which indicate analysis of facts and conclusion rendered.

Ability to establish and maintain effective working relationships with claimants, employers, and their counsel.

Minimum Education and Experience

Graduation from law school and six months of post-graduate legal or hearings experience.

Necessary Special Qualification

License to practice law in the State of North Carolina.

Minimum Education and Experience for a Trainee Appointment

Graduation from law school.

Necessary Special Qualification for a Trainee Appointment

License to practice law in the State of North Carolina.

NC 1443
OSP Rev. 5/86

APPEALS REFEREE CHIEF

NATURE OF WORK

Work in this class involves the planning, organizing, directing and review of the activities of the Appeals Department relating to the conducting of hearings and the rendering of legal decisions on appealed unemployment compensation or readjustment allowance claims. Work includes supervision of appeals deputies and clerical personnel.

Work assignments develop from the receipt of appeals filed by interested parties from determinations of a claims deputy including interstate or intrastate appeals. The employee is responsible for the review and scheduling of valid appeals according to established procedure, and work permits latitude for individual judgment and initiative. Pertinent laws, regulations, legal precedents, and Commission decision guide the employee in rendering decisions and reviewing decisions rendered by appeals deputies. Work is evaluated by an administrative superior through review of periodic reports, hearings, and investigations for adequacy of facts developed, validity of conclusions drawn, and propriety of recommendations made or decisions rendered.

ILLUSTRATIVE EXAMPLES OF WORK

Receives, analyzes, and renders decisions on appealed interstate cases.

Receives and analyzes appealed intrastate cases and schedules hearings and itinerary for appeals deputies taking into consideration the allocation of time for hearing, distance between points, and existing work load.

Reviews and analyzes decisions rendered by appeals deputies for adequacy of facts developed, validity of conclusions drawn and propriety of decisions rendered.

Supervises the preparation and mailing of notices of hearings and the transcription of testimony.

Certifies transcript of testimony at such times as an employer or claimant appeals decision rendered by appeals deputy.

Acknowledges by correspondence, appeals to decisions rendered by appeals deputies.

Performs intensive studies of Commission decisions, Attorney General opinions and the Interpretative Series, for use as guides in future decisions.

Prepares periodic reports reflecting unit accomplishments.

Performs related duties as required.

KNOWLEDGES, SKILLS, AND ABILITIES

Thorough knowledge of wage and employment practices common to industries in the State.

Ability to apply and explain the provisions of the Employment Security Law which relate to the eligibility of claimants to receive benefits.

Ability to apply and explain the provisions of the Federal Legislation which pertain to the payment of Servicemen's Readjustment Allowances.

Ability to collect, adduce, analyze, and draw valid conclusions from oral and documentary evidence, and to render determinations or decisions from the facts and testimony obtained at hearings.

Ability to prepare written reports which indicate status of department operations.

Ability to establish and maintain effective and harmonious working relationships with claimants, employers, departmental personnel, and the general public.

ACCEPTABLE EXPERIENCE AND TRAINING

One year of paid employment as an Appeals Deputy.
OR
Five years of paid employment in the practice of law.

License to practice law in the State of North Carolina.

Effective: July 1, 1952

NATURE OF WORK

An employee in this class serves as Chief Counsel for the Employment Security Commission performing professional legal work involving considerable technical responsibility for advising agency officials on the legal aspects of operational and procedural problems, and is responsible for the organization and direction of all activities of the Office of Chief Counsel.

Work includes planning, directing, and reviewing the work of a legal staff engaged in the conduct of hearings to determine employee status and tax liability, or representing the agency in cases involving appeals of claimants or employers from decisions pertaining to the payment of unemployment insurance benefits, or rendering opinions on cases involving labor disputes and mass lay-offs, and executing a variety of other legal functions pertaining to the work of the agency. As the agency's chief legal counsel, the employee personally conducts litigation of the utmost importance and complexity, frequently involving large sums of tax monies and which is often directed against adversaries represented by legal staffs of outstanding ability. Work is guided only by regulatory statutes and the broad policies and objectives of the agency head. Work is evaluated by an administrative superior through general review of work accomplishments.

ILLUSTRATIVE EXAMPLES OF WORK

Plans, organizes, directs and reviews the work of the attorneys engaged in carrying out the legal activities of the Employment Security Commission.

Institutes and defends the more complex civil actions relating to the enforcement of the Employment Security Law involving Federal statutes and statutes applicable to work of the Employment Security Commission.

Appears before Commission in hearings involving appeals from claimants or employers from decisions in the payment of unemployment insurance benefits or appeals on employer status and tax liability; prepares and tries such cases on appeal to Superior Court and to Supreme Court.

Assists prosecuting officers in preparation of indictments and the trial of criminal actions involving the administration of the Employment Security Law.

Serves as Special Deputy with original jurisdiction in the conduct of hearings involving labor disputes and mass lay-offs.

Assists in the preparation of rules and regulations initiated by agency officials and approves or disapproves prior to adoption.

As requested, makes investigations concerning personnel, prospective employees, or any question or matter referred to the Legal Department.

Reviews all documents, briefs, letters, memoranda, decisions and opinions prepared by staff members.

Confers with Chairman of the Commission on all problems relating to the legal aspects of the Employment Security program.

Drafts legal opinions for the Commission and heads of the various departments within the agency.

Drafts amendments to the employment Security Law and appears before committees of the General Assembly to present and explain such amendments.

Conducts conferences for purpose of settlement or simplification of the issues by consent of the interested parties.

Interprets the Employment Security Law for agency officials.

Prepares difficult administrative correspondence.

Performs difficult legal research and prepares complex legal instruments.

Participates in agency personnel training program by discussing, interpreting, and explaining the Employment Security Law.

Addresses employer-employee groups, civic organizations, conventions, legal fraternities, and college or university classes for the purpose of explaining any and all phases of the Employment Security Law.

Performs related work as required.

KNOWLEDGES, SKILLS, AND ABILITIES

Thorough knowledge of the background and provisions of the North Carolina Employment Security Law, the Unemployment Compensation Titles of the Federal Social Security Act and Federal and State laws pertaining to related social legislation.

Thorough knowledge of pertinent court decisions relating to the Employment Security Commission.

Thorough knowledge of the application of legal principles to individual cases or problems.

Thorough knowledge of judicial procedures and rules of evidence.

Ability to properly analyze, appraise, and organize facts, evidence, and precedents on complex matters; and the ability to present such data in clear and logical form orally or in such written media as briefs, summarizations, opinions, or other legal forms.

Ability to exercise good judgment in appraising situations and making decisions.

Ability to present complex and difficult cases involving major issues before courts, referees, or quasi-judical bodies.

Ability to plan, organize, direct, and review the work of a small group of attorneys and a small staff of clerical personnel.

ACCEPTABLE TRAINING AND EXPERIENCE

Three years of paid employment as an attorney with the employment Security Commission; or seven years of paid employment in the practice of law of which at least three years must have been in a state or federal court; and completion of a standard law course at a recognized school of law.

NECESSARY SPECIAL QUALIFICATION

License to practice law in the State of North Carolina.

1445

PREPARED BY

NORTH CAROLINA STATE PERSONNEL DEPARTMENT

OCTOBER, 1953

APPENDIX D

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H D

AGLRC#1
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: AG LRC Study-Consolidation. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO A PLAN FOR THE CONSOLIDATION OF LEGAL POSITIONS WITHIN STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. The Attorney General shall report to the 1989 Session of the General Assembly, on or before April 15, 1989, with a plan for the consolidation of legal services provided to the various departments and agencies of state government consistent with the recommendations in the report of the Attorney General's Staff Study Committee of the Legislative Research Commission.

This plan should not provide for the consolidation of the legal positions in the Employment Security Commission, the Office of Administrative Hearings, the Legal Staff of the Industrial Commission, the Utilities Commission Legal Staff and Public Staff, the Legislative Staff, The University of North Carolina

(excluding the positions at North Carolina Memorial Hospital), the Administrative Office of the Courts, the Office of the Governor, or the Administrative Rules Review Commission.

Sec. 2. This act is effective upon ratification.

APPENDIX E

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H D

AGLRC#2
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Governor's Outside Counsel Fund. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ATTORNEY GENERAL'S STAFF STUDY CONDUCTED BY THE LEGISLATIVE RESEARCH COMMISSION WITH RESPECT TO AN APPROPRIATED FUND TO PAY FOR OUTSIDE COUNSEL HIRED BY THE GOVERNOR.

The General Assembly of North Carolina enacts:

Section 1. The Attorney General shall make a recommendation to the General Assembly, on or before April 15, 1989, after consultation with and the concurrence of the Office of the Governor, for an appropriated contingency fund, to be created in the Office of the Governor, for the hiring of outside counsel to represent the Governor or heads of departments or agencies in lawsuits, when the Attorney General determines that the Attorney General's Office cannot represent these persons because a conflict exists.

Sec. 2. This act is effective upon ratification.